

## DISTRICT OF COLUMBIA

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## BUILDING CODES ADVISORY COMMITTEE

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## MEETING

\* \* \*

WEDNESDAY,

FEBRUARY 18, 2004

\* \* \*

The Advisory Committee meeting was held in Room 220 South, 441 Fourth Street, N.W., Washington, D.C., at 10:00 a.m., Jerrily Kress, Chairperson, presiding.

PRESENT:

JERRILY KRESS, Chairperson

DAVID BARDIN

SARA BARDIN

FRANK BECKER

BYROU BLACK

WESTER CLEMONS

DAVE CONOVOR

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PRESENT: (cont.)

HOWARD EBENSTEIN

ELLIOT EISENBERG

MARC FETTERMAN

MILES HABER

MICHAEL HERDEMAN

JIM LOWERY

SAMANTHA McASKILL

GAIL MONTPLAISIR

DENZEL NOBLE

SHAUN PARR

JIM SHABELSKI

JOAN STOGIS

JOHN STOVALL

JOHN WALL

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P-R-O-C-E-E-D-I-N-G-S

(10:15 a.m.)

CHAIRPERSON KRESS: I'd like to call to order the Building Code Advisory Committee meeting of February 18th, 2004.

Today we're going to be doing a few things that weren't initially planned, but we do want to finish on or before noon as tomorrow there is a seminar at the National Press Building sponsored by D.C. BIA, the Department of Consumer and Regulatory Affairs, AOBA, and the Washington Building Congress regarding the new building codes that have come into effect January 9th.

And so the speakers who are basically all of the chairs of all of the subcommittees we need to have a run-through. So we're going to try to do an abbreviated meeting today if that's all right with everyone.

By the way, it is free, and right now they're estimating some 400 people will be in attendance. So it grew a little larger than those of us who originally volunteered knew we were getting

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1       into, but I think it's well worth to get the  
2       information out there as quickly as possible about the  
3       new codes because we are talking a whole new family of  
4       codes as well.

5               I do have one problem that I will bring up  
6       while everyone is here. It appears that Mr.  
7       Papadopolous has been in a very -- how do I say it? --  
8       bad car accident. I was trying to think of another  
9       word instead of "bad," but he has been in the hospital  
10      for some time, and so he will not be able to cover the  
11      meeting tomorrow. So I didn't know if we could find  
12      someone else that could speak to mechanical --

13             MR. WALL: I was just going to as is Mr.  
14      Papadopolous in the United States in case anybody  
15      wants to write?

16             CHAIRPERSON KRESS: Yes, sir. You might  
17      say since you're the one who knows. You talked to his  
18      assistant, did you not?

19             MS. BARDIN: Yes. Basically he was in a  
20      car accident last week, and he was in intensive care  
21      on machines, but apparently he's doing a lot better.  
22      They've taken him off the machines, and he will be

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1 leaving ICU some time this week, but he will be in the  
2 hospital, and he'll be in rehabilitation for some  
3 time.

4 PARTICIPANT: Which hospital will that be?

5 MS. BARDIN: That I don't know. I can  
6 find that out for you though.

7 CHAIRPERSON KRESS: His office probably  
8 would know. It's PKP Engineers.

9 MS. BARDIN: And Milton is the name of his  
10 assistant.

11 CHAIRPERSON KRESS: And Milton is the name  
12 of his assistant.

13 Does anyone have any suggestions who we  
14 might get to speak? I mean, James, you're going to be  
15 speaking to the plumbing. Can you speak to the  
16 mechanical, too? Do you have any suggestions who we  
17 might be able to get to speak to a mechanical  
18 overview?

19 Armando is not here.

20 MR. NOBLE: I spoke to him last night.

21 CHAIRPERSON KRESS: Okay, and by the way,  
22 for those of you who don't remember from years ago

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1 when we did this, we were at the table and people in  
2 the room spoke, and unfortunately to be heard you have  
3 to come up and use one of our mics or speak very, very  
4 loudly, and I'll rely on our court reporter to let us  
5 know.

6 But perhaps I don't know if anyone has any  
7 suggestions who might speak to mechanical. I know  
8 that Armando knows quite a bit about the mechanical.

9 MR. NOBLE: I could speak to Belour  
10 Ravishankar (phonetic) because I know he served on the  
11 subcommittee as the chief of the mechanical plan.  
12 I'll have to do it when I get back this afternoon.

13 CHAIRPERSON KRESS: Did Frank Becker also  
14 serve on the committee?

15 MR. NOBLE: No. No, he was not there.

16 CHAIRPERSON KRESS: Bill Zollars? Okay.  
17 She's not hearing anything from the audience. So  
18 we're going to have to by and large when you speak  
19 have you come up here. I don't think this is really  
20 important. We've missed this, and I've repeated it.

21 So if you can get Ravishankar, that might  
22 be better because didn't he put the information

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1 together for some of your handouts on the differences  
2 and whatnot that DCRA prepared?

3 PARTICIPANT: It's just these four little  
4 things plus boiler.

5 CHAIRPERSON KRESS: Well, no, but it's the  
6 difference between BOCA and the ICC, as well -- I mean  
7 the IBC and the whole that I think we need to address.

8 Does anybody know how to get in touch? Is  
9 Ravishankar do you think available?

10 MR. NOBLE: Yes. All of the chiefs will  
11 be at a meeting tomorrow.

12 CHAIRPERSON KRESS: Oh, well, then maybe  
13 that would be -- if he's going to be there anyway,  
14 that might be an idea.

15 We'll try that, and if not, we'll try to  
16 get Bill Zollars. I hate to do this at a last minute,  
17 but obviously things that are accidents are out of our  
18 control.

19 Thank you.

20 With that, Dave Connor with the ICC is  
21 here today, and he is going to make a short  
22 presentation.

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1 MR. CONNOR: Very brief.

2 CHAIRPERSON KRESS: Make sure the mic is  
3 on. Did you get the hand-held mic? Is it working?

4 MR. CONNOR: Can you hear me?

5 CHAIRPERSON KRESS: Yes.

6 MR. CONNOR: I brought some information on  
7 the ICC. Phil, I'm going to turn around.

8 CHAIRPERSON KRESS: Why don't you take the  
9 chair on the other side instead of having to sit with  
10 your back? We did have a walk-around mic now so that  
11 people who want to speak we can pass that around.

12 MR. CONNOR: I didn't prepare a formal  
13 PowerPoint because I realize the time was limited, and  
14 I just want to really make a couple of remarks and  
15 then answer any questions you have.

16 Basically our headquarters office at the  
17 International Code Council is right across the river  
18 in Virginia, and so we're here to help, but I guess we  
19 need to hear from you as to what kind of help or  
20 assistance you need with respect to implementation.  
21 We don't want to presume to come in and tell D.C. or  
22 the Commonwealth of Virginia or the State of Maryland

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1 how to adopt and implement codes, but we facilitate  
2 the process of development of the codes and have a  
3 number of programs and support materials available.

4 So we're kind of here to help, but again,  
5 we kind of need to hear from you.

6 Very briefly, the ICC was formed in 1994  
7 through the consolidation of BOCA, ICBO and SBCCI.  
8 That effectively took place February 1st of last year.

9 There is no more BOCA, Southern or ICBO. It's one  
10 organization, 340 staff, 15 locations in the U.S., two  
11 internationally, et cetera, et cetera.

12 One of the things that I think would be of  
13 interest to you and I put in this handout, we're in  
14 the process of a code development cycle right now that  
15 will result later on this year in the publication of a  
16 supplement to the 2003 editions of the codes. You, I  
17 believe, have adopted the 2000 editions.

18 And in your amendments to the  
19 international codes, you have a number of things that  
20 you think are of relevance to D.C., and in addition,  
21 you may have a number of recommended changes to the  
22 codes through your amendments that are really

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1 applicable nationally.

2           So one of the things certainly you might  
3 want to consider is submitting some changes to the  
4 code chain cycle, and what I've done in a one-pager  
5 that's in the handouts that I've brought you is  
6 actually the cycle that will be coming up resulting in  
7 the 2006 edition of the codes.

8           My assumption is you're going to start  
9 looking at the 2003 editions and eventually make some  
10 amendments to those and go from 2000 to 2003, but by  
11 August 20th of this year, if you have anything that  
12 you think ought to be changed in the international  
13 codes, submit it. The idea would be with success the  
14 2006 edition that's ultimately printed looks a little  
15 bit more favorable to your interest and concerns here  
16 in D.C., and I'm pretty familiar with them having  
17 lived here 50 out of my 53 years and going to high  
18 school and college in D.C.

19           Anyway, August 20th of this year you can  
20 submit changes either as a group, as individuals, or  
21 however you want to handle it. Maybe your code  
22 advisory committee could put some things together, but

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1 the point is you would submit them and maybe in 2006  
2 the codes are a little bit more palatable to your  
3 liking.

4 And, again, there are a number of steps in  
5 this process. I won't belabor them. It's just that  
6 I've done the sheet for you, and it's here.

7 Other than that, really as I've said  
8 earlier, we kind of here to help DCRA, the building  
9 industry, the citizens of the city in implementing and  
10 using the codes. I wish I could help with your plight  
11 on mechanical.

12 I have two degrees in mechanical  
13 engineering, and actually was a member of the  
14 International Mechanical Code Committee when it was  
15 first set up before I joined ICC and was with  
16 Battelle, and I kind of know the document like the  
17 back of my hand. I certainly could get up to speed on  
18 your amendments quickly, and I know the differences  
19 between the old BOCA code.

20 Unfortunately, I'm busy tomorrow, and the  
21 point is that this seminar that you're putting on, if  
22 I had known, we could have offered some assistance and

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1 just basically said anything you'd like. If you need  
2 copies of the code or if you need copies of cross-  
3 walks that show somebody the difference between BOCA  
4 and 2000 I-codes, we could do that.

5 So, again, I'm kind of here desperately  
6 saying we're right across the river. There's 360  
7 people in our company that can help, but we don't want  
8 to presume to tell you what to do. We want to be here  
9 and available to, you know, provide that assistance.

10 And I know I've left some messages and  
11 some E-mails with Denzel, and hopefully you'll take  
12 this as a sincere, but I've got to hear from you  
13 folks. I don't want to be a pest, et cetera.

14 In terms of publication of the codes, we  
15 can work with you to help publication of the codes  
16 with the amendments. In fact, the entire set of  
17 documents that we have, handbooks, commentaries, what  
18 we call plastic checklists for inspectors. There's a  
19 nice plastic checklist, flip it over for mechanical,  
20 plumbing, building. We can actually work with you and  
21 through DCRA or however you want to do it, make those  
22 available.

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1           And actually everything we have you can,  
2           in fact, get that in bulk and be a reseller. You can  
3           actually, if you will, be the conduit through which  
4           everybody in the building industry in D.C. comes to  
5           get the codes and handbooks and other things.

6           Educational assistance, any number of  
7           things we're happy to provide, and I can make things  
8           happen. I just need to know from you because, again,  
9           I don't want to be a pest and be constantly leaving  
10          phone messages and sending E-mails. I at some point  
11          just have to say, well, they'll call when they're  
12          ready.

13          I mentioned the field inspection guides.  
14          It's just an example, I think, real helpful. You  
15          don't need a full copy of the code. It's nice to have  
16          out in the pickup truck or whatever, but it's nice to  
17          have one document, other things that can fit into your  
18          pocket that help the inspector.

19          I mentioned cross-walks. Many people have  
20          questions about, well, what's the difference between  
21          BOCA and ICC codes on particular issues. We've got  
22          those published and available. So that's kind of

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1 basically it in a summary.

2 I again, am sensitive to your time. I  
3 know you have a lot of other things to do. I'll  
4 answer any questions you have.

5 CHAIRPERSON KRESS: The cross-walks, how  
6 are they organized? Is it like a reference manual  
7 or --

8 MR. CONNOR: They're brief generally, and  
9 they would explain to someone the significant  
10 differences between, say, the '99 BOCA national  
11 building code and the 2000 international building  
12 code.

13 So in theory D.C. could take one of those  
14 documents, and where you've made amendments, you  
15 could, in fact, enhance that. So somebody could  
16 understand kind of how to go from your previous  
17 adopted version of BOCA to your currently adopted  
18 version of the I codes with your amendments.

19 So I'm a facilitator. I may be able to do  
20 some of these things if I'm aware of the opportunity  
21 like the thing tomorrow, except I'm committed tomorrow  
22 for something else.

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1 CHAIRPERSON KRESS: All day? We could  
2 sneak you in early or late.

3 MR. CONNOR: It's pretty much all day. I  
4 apologize.

5 CHAIRPERSON KRESS: We start at seven in  
6 the morning.

7 MR. CONNOR: Well, actually I get to work  
8 at quarter to seven. No, tomorrow, I'm sorry. I  
9 can't.

10 CHAIRPERSON KRESS: No.

11 MR. CONNOR: But if I can't do it, use our  
12 office as a conduit, I will get to whatever offices in  
13 our ICC that can provide that assistance, whether it's  
14 tech services or education. As an example, we're  
15 working very closely with federal agencies right now  
16 because they're in the process of adopting the codes,  
17 and one of the things we're looking at is putting on  
18 every six months an educational seminar two or three  
19 days on the I codes right here in D.C. predominantly  
20 for federal agencies, but obviously the building  
21 industry and your offices here in D.C. and Northern  
22 Virginia and Maryland could benefit from that as well.

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1           So when we do this later this year, we  
2       certainly would want to keep you apprised of it, not  
3       that we're going to teach the D.C. code. What we're  
4       going to teach are the I codes, but certainly that  
5       would be something of interest, but all of these  
6       federal agencies, you know, are in the process of  
7       moving from BOCA or whatever they've had to the I  
8       codes, and we want to make sure that we're meeting  
9       their needs with respect to education.

10           So I'll answer any questions that you have  
11       and again want to try and be sensitive to your time.

12           CHAIRPERSON KRESS: Do you sell all of  
13       these? Can all of these be purchased in your Virginia  
14       office?

15           MR. CONNOR: No. We have an order form  
16       and you would fill that out and they get shipped from  
17       different locations, but the point I made earlier is  
18       if D.C. wants to be a reseller of all this, if you  
19       look and say, "This is what we'd like to do and we'd  
20       like to have in stock," we basically shift you  
21       whatever you need of that at a significantly reduced  
22       rate, and then you turn around and figure out.

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1           So in reality if individuals were to get  
2       these documents, handbooks, et cetera, from ICC, it  
3       would cost them X. D.C. would get them at probably .4  
4       times, and then D.C. can turn around and sell them at  
5       .6 times X, and so the person getting the documents is  
6       still getting them a lot less expensively, and D.C.  
7       ends up, if you will, being the --

8           CHAIRPERSON KRESS:   How big an order do  
9       you need?

10          MR. NOBLE:   Well, this is Denzel Noble  
11       from DCRA. We tried that when we adopted BOCA for the  
12       first like 1980, '84 code, but I think there is  
13       something in D.C. law whereby we cannot sell the books  
14       for profit. If we buy it at a certain cost, we have  
15       to sell it at the same price. That's the reason why  
16       over the last two cycles we did not buy any books from  
17       BOCA, because DCRA, we had to come out of our budget.  
18       We had to buy the books, and we can't sell the books.  
19       It has to be sold through the Office of Documents if  
20       it's a government book.

21          CHAIRPERSON KRESS:   But couldn't we get a  
22       special discount for the use of the Building Code

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1       Advisory Committee and for the use of government  
2       employees? I mean, couldn't there be some special --

3               MR. CONNOR: I'm sure we could arrange  
4       that, certainly. Like I said, I sent you a few E-  
5       mails and left you a few messages. We want to work  
6       with you. I need to know from you what your system  
7       will accept and how you can deal with it, and then my  
8       job is to make it happen either with Mark Johnson, who  
9       handles publications or Kathleen Mahalich, who handles  
10      training or whatever.

11              So if you came back and said, "Gees, we  
12      can't do this because," and I understand you can't  
13      make money on them per se and I realize if it were  
14      just passing it through, passing the discount through  
15      to everybody and then it becomes a major hassle for  
16      your office because you're having to deal with all of  
17      these orders, and yet, you know, you're not getting --  
18      so, you know, we can -- I'll work with you. I just  
19      need to know what you --

20              CHAIRPERSON KRESS: As we're getting  
21      started, we don't have the codes yet, and it's a  
22      little difficult to be reviewing the codes and

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1 recommending changes.

2 MR. NOBLE: We will be putting through an  
3 order this week maybe tomorrow.

4 CHAIRPERSON KRESS: Well, I was going to  
5 say --

6 MR. NOBLE: Not tomorrow. Friday.

7 CHAIRPERSON KRESS: -- maybe we need to  
8 coordinate that first because we can get it at a  
9 reduced rate.

10 MR. NOBLE: Oh, yeah. We do get it at  
11 reduced rates. The last time, for instance, when we  
12 bought the last set last year, we got the minimum that  
13 the --

14 CHAIRPERSON KRESS: Oh, all right. I  
15 wasn't aware of that.

16 MR. NOBLE: Yeah, we do get at a reduced  
17 rate, but if we can get it even cheaper than what we  
18 have to pay --

19 CHAIRPERSON KRESS: It's where the good  
20 guys.

21 MR. NOBLE: -- then of course, we can go  
22 through.

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1 MR. CONNOR: Well, then what I need to do  
2 is get some feedback from you via E-mail, and what I  
3 need to do then is link you with Mark Johnson and try  
4 and make this happen to facilitate what you need, and  
5 it may hopefully be better than, you know --

6 MR. NOBLE: Yeah, because all we have to  
7 do is fax them the invoice or the PO number, and the  
8 next day it was on the trucks.

9 CHAIRPERSON KRESS: Questions for Dave?  
10 Joan Stogis.

11 MS. STOGIS: This is Joan. Is this  
12 working now? Okay. Joan Stogis.

13 First, Dave, I'm delighted that you're  
14 here, and what I'm hoping you're hearing is that you  
15 can be our kind of prime contact, and if so, can you  
16 give us a phone number, E-mail address?

17 MR. CONNOR: Sure.

18 MS. STOGIS: I k now two and a half years  
19 ago when I was leaving messages on the ICC's phone  
20 number I was left with the feeling does anybody really  
21 work here because it took six months to get back. I  
22 know that's when you all were in a transition.

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1 MR. CONNOR: I will always get back with  
2 somebody even if it's to say, "I'm swamped right now.  
3 Can you wait a week?"

4 MS. STOGIS: Right.

5 MR. CONNOR: I'll always respond. I  
6 prefer not phone because I get nervous with that.  
7 Things pile up. I can be out of town. E-mail is  
8 preferable. It's dconover, dconover@iccsafe.org. I  
9 read E-mail all the time. I respond, and what I have  
10 then in that E-mail is, so that there's no confusion,  
11 I have a specific message from somebody that says,  
12 "Here's what I need," or, "here's what I want you to  
13 do."

14 It's crystal clear. Then I can either  
15 handle it directly or I can pass that on to somebody  
16 in our office and say, "Gees, can you look at this?  
17 Please get directly with so-and-so. Copy me on it so  
18 that I know that we've closed the loop."

19 And if I don't get a loop closure in a  
20 reasonable time, then it triggers -- thank God for  
21 Outlook --

22 CHAIRPERSON KRESS: Yes.

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1 MR. CONNOR: -- but it triggers a, you  
2 know, I need to look and say, "Hey, what happened to  
3 this? Did you get back to this person?" et cetera,  
4 but we want to close the loop and make sure.

5 MS. STOGIS: Thank you very much, Dave.

6 MR. CONNOR: Sure.

7 MS. STOGIS: That's great to have you so  
8 close by, and I look forward to working with you.

9 CHAIRPERSON KRESS: And I do have everyone  
10 in our committee's E-mail collocated. So if I need to  
11 get a message out to all of the building code members  
12 because of some information you have, you can send it  
13 to me and I'll make sure it gets distributed.

14 MR. CONNOR: Okay, fine.

15 CHAIRPERSON KRESS: Like I say, thank  
16 heaven for Outlook. I just dial BCAC recipients, and  
17 it has got everybody.

18 Shaun.

19 MR. PARR: Dave, I'm Shaun Parr.

20 Is the international existing building  
21 code ripened to a point that it's as far as your  
22 materials, et cetera, and all of your --

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1 MR. CONNOR: I'll have to check on that.  
2 I don't know off the top of my head. I will check and  
3 then --

4 MS. STOGIS: It is published.

5 MR. CONNOR: Oh, I know it's published,  
6 but since the question was education or checklists and  
7 commentaries and all of those things.

8 MS. TALBOT: The other aspects of your  
9 technical support services --

10 MR. CONNOR: Right.

11 MR. PARR: -- that you've developed for  
12 the other editions.

13 MR. CONNOR: I will check on that. Can  
14 you give me a card? And then I'll have your E-mail,  
15 and I'll get a response to you.

16 MR. PARR: And I have a second question  
17 regarding the --

18 CHAIRPERSON KRESS: Actually, if you could  
19 send that because I think that is a question --

20 MR. CONNOR: Send it to you?

21 CHAIRPERSON KRESS: Yeah, and send it to  
22 Shaun as well, but send it to me, if you don't mind,

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1 because I think that's a question that a lot of folks  
2 here would like to have a response to.

3 MR. CONNOR: Okay.

4 MR. PARR: And you mentioned the field  
5 inspection guides. If you could elaborate a little  
6 bit more about those, and then also I'm just curious  
7 because we obviously work with Denzel and his staff a  
8 lot after the fact on these things, and I know and  
9 I've seen in the past various published commentaries,  
10 I guess, kind of the record of the deliberative  
11 process that was going through with each edition that  
12 obviously are very enlightening.

13 Are the field inspection guides premised  
14 on those or --

15 MR. CONNOR: The field inspection guides  
16 are premised on what's in the code, and there is one  
17 that is on plastic sheets that's actually held  
18 together by a spiral that I think has about four or  
19 five plastic sheets that's for one and two family  
20 dwellings, that covers the international residential  
21 code, and basically they have the key items that the  
22 inspector needs to look for in terms of building,

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1 mechanical, plumbing, fire, and then there are field  
2 guides, separate ones, for the mechanical code, which  
3 is, you know, obviously used for other than one and  
4 two family dwellings, plumbing, building, again, to  
5 cover the high points of what an inspector needs to  
6 look for in terms of compliance.

7 That's distinctly different than you  
8 mentioned commentaries and interpretations. That's  
9 distinctly different than those types of materials  
10 that we have available. Interpretations are, you  
11 know, simply people can get an interpretation by just  
12 calling a phone number and asking a particular  
13 question, and then we have handbooks which are much  
14 more detailed that go into all of the nitty-gritty  
15 that would be more applicable to designers, plan  
16 review, things of that nature.

17 MR. PARR: A well equipped code  
18 enforcement official, I mean, what ought they to have?  
19 I mean, a set of everything that you described at a  
20 minimum?

21 MR. CONNOR: Did you say inspector or --

22 MR. PARR: Well, code enforcement

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1 official.

2 MR. CONNOR: Well, my sense would be from  
3 an inspection standpoint you really get the key issues  
4 to look for in that building from the file that was  
5 established in the office for permitting and plan  
6 review, et cetera. So the inspector knows what  
7 they're going out to look for.

8 And they can have a complete copy of the  
9 code, but I think really some of these field  
10 inspection checklists are much more, you know, user  
11 friendly for the inspector because it's guiding them  
12 on what they really want to look for in the field,  
13 whereas in plan review and the administration in the  
14 office, I think it's more, "I need a copy of the code.

15 I need some of the handbooks. I need some of these  
16 things that help me understand some of the nuances in  
17 there."

18 I'm thinking out loud, but, for instance,  
19 if you were to take, say, the one and two family  
20 dwelling code field inspector document or the plastic  
21 sheets, you might look at that and say, "Well, we've  
22 made a few amendments," or, "we made some amendments

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1 to the mechanical code that really don't make this  
2 relevant, but if you made the following changes, it  
3 would really work for D.C.," I'm sure our technical  
4 and publications people can work with you to basically  
5 take the guts of that thing and put in D.C. amendments  
6 and then work with you so that DCRA could actually  
7 take it and make it D.C. inspector guide, and it has  
8 got a few tweaks that you need to make to the base  
9 document.

10 I'm sure those are things, you know, that  
11 we can work with you on to make happen if they can  
12 facilitate use of the codes and your application of  
13 them.

14 CHAIRPERSON KRESS: Are there any other  
15 questions?

16 MR. PARR: We were wondering if Dave could  
17 repeat his E-mail address. Not everyone got it.

18 MR. CONNOR: dconover, conover,  
19 @iccsafe.org.

20 PARTICIPATE: Is that F?

21 MR. CONNOR: S-a-f-e, safe.org.

22 CHAIRPERSON KRESS: If you have a moment

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1 and if no one has any other questions, you might like  
2 to hear our next presentation, which is regarding the  
3 sprinkler issue, which is a very hot issue, shall we  
4 say, for this community.

5 MR. CONNOR: I plan on staying until noon.  
6 So I'll be here.

7 CHAIRPERSON KRESS: Yes, that might be  
8 helpful for us.

9 Does anyone else have any other comments  
10 before we move to --

11 MR. CONNOR: Thanks for your time.

12 CHAIRPERSON KRESS: Thank you for coming.

13 (Applause.)

14 CHAIRPERSON KRESS: Mr. Stovall, would you  
15 like to?

16 Oh, yes, these are for us, Dave, I assume?

17 MR. CONNOR: Yes, they are.

18 CHAIRPERSON KRESS: There might not be  
19 enough for everyone. So if you need other copies, you  
20 can probably E-mail Dave and he'll send it to you.

21 MR. CONNOR: Send your address and I'll  
22 have one of our staff get it out.

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1 MR. STOVALL: Hi. John Stovall.

2 When I was here last --

3 CHAIRPERSON KRESS: And chair of?

4 MR.. STOVALL: And chair of Codes and  
5 Standards.

6 CHAIRPERSON KRESS: For the residential.

7 MR.. STOVALL: For the residential section  
8 of the building code, both IRC and IBC.

9 When I was last here in December, the  
10 issue of sprinklers in single family homes was brought  
11 up and discussed, and as part of that, I had agreed  
12 because of our experience in surrounding jurisdictions  
13 to try and, I guess, put a face on the fire problem  
14 that we have in residences so that perhaps we could  
15 understand it better and actually in our own minds  
16 resolve what we believe is the proper action to take  
17 in response to fires in single family homes and  
18 residences.

19 And I was very fortunate after that  
20 meeting to be at International Home Buildings Show,  
21 and Elliot Eisenberg spoke at that as part of really  
22 the codes and standards portion of that show, where we

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1 were discussing all of the international I codes and  
2 effect on home building.

3 Elliot is with the National Association of  
4 Home Builders, and he's in the home policy area of  
5 that organization, and as such, he has gathered a  
6 great number of statistics which I think are very  
7 important, and I think he related them very well, and  
8 I asked him if he would be willing to come and meet  
9 with us here today to give that to us, and I think  
10 this is a discussion, I think, rather than a  
11 presentation.

12 I think Elliot has about 15 minutes of  
13 talking, and then I think basically it would be a good  
14 thing at that time to open up the floor for any  
15 questions and other ideas and input that he might  
16 have.

17 So I would introduce to you at this time  
18 Elliot Eisenberg.

19 CHAIRPERSON KRESS: By the way, let's take  
20 this second. For those of you who have come in late,  
21 please sign the list which is residing on the desk  
22 next to our wonderful court reporter. So if you

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1 haven't signed in, please sign in so that we can have  
2 you.

3 Yes, we wanted you to hear this. Sorry I  
4 interrupted you. This is Elliot Eisenberg.

5 MR. EISENBERG: Thank you very much. It's  
6 a pleasure to be here. It's always nice to share  
7 one's research with an interested group of  
8 individuals.

9 I have a copy of my slides right here.  
10 Feel free to pass them out. I've got some business  
11 cards placed on the table in front of me. If you have  
12 questions that are really burning as I make the  
13 presentation, feel free to raise your hand and I'll  
14 recognize you. If you can wait until the end, that  
15 would be nice.

16 Again, my name is Elliot Eisenberg. It's  
17 a pleasure to be here.

18 I have been interested in this issue of  
19 fire sprinklers and residential fire deaths more  
20 generally for about three years. My house actually  
21 almost burned down this past summer. In July my house  
22 was four minutes away from being totally burned to a

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1 crisp, and had a neighbor not seen the fire and doused  
2 it with the neighbor's hose, my whole house would have  
3 gone up in flames.

4 I was inside the house, and I had no idea.

5 A sconce outside caught fire. A bird built a nest  
6 and slipped the light on, and one thing led to  
7 another. This is an issue that's pretty close and  
8 near and dear to my heart as a result.

9 But about three years ago, as I say, I got  
10 interested in this issue, and I got interested in a  
11 couple of simple observations and one silly  
12 assumption. Economists have to have assumptions. But  
13 I noticed that residential fire deaths differ from  
14 place to place. Some states have high fire death  
15 rates. Some have very low fire death rates. Some  
16 counties have extraordinarily high fire death rates,  
17 and some counties have fire death rate that are  
18 virtually nonexistent or, in fact, are nonexistent  
19 many times.

20 I've also noticed that fire death rates  
21 have changed substantially over the last 25 years  
22 where I've done the bulk of my research from 1979

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1       onwards, and over that period of time they've fallen  
2       by about 60, 65 percent.

3               Then I make the assumption this is  
4       probably not a random process. This is not just  
5       things just happening. There must be some systematic  
6       causes resulting in these differences from place to  
7       place, and these reductions over time.

8               So what I'm going to talk about and what  
9       this paper discusses is why there are differences and  
10      why there have been changes. The rates, why have they  
11      fallen so substantially over time, and why are there  
12      differences from place to place? And in particular,  
13      which variables are best at explaining these  
14      differences in changes over times?

15              As a result, this paper will look at this  
16      problem from two different perspectives. It will  
17      first look at it cross-sectionally and say, "Let's  
18      look at the differences across America in the year  
19      2000. Why are there some places that are much higher  
20      than others?"

21              The last half of the presentation will  
22      look at a time series and show why the rates have

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1       fallen and what are the explanatory variables that  
2       look at that, and by looking at this problem from both  
3       perspectives cross-sectionally and time series, we'll  
4       really have a much better understanding of what's  
5       going on.

6               This is the third study of the NAHB, my  
7       study, the third study the NAHB has conducted on this  
8       issue, and I entered this study pretty ignorant  
9       initially but thought, well, fires must be related to  
10      ages of houses. That seems like a pretty obvious  
11      place to begin. Old houses must burn down more than  
12      new houses.

13             And there were two studies that I could  
14      look at that gave me confirmatory evidence about this,  
15      both done by the NAHB. There were problems with both  
16      of them, but they both came to remarkably similar  
17      conclusions. What I have put down on the screen as  
18      you can see in front of you are the fire death rates  
19      per million individuals for each study, and while the  
20      numbers vary from study to study, the second study in  
21      the bottom only looks at California. The first study,  
22      the '87 study, looks at national numbers. They both

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1 clearly show that fire death rates decline  
2 dramatically with houses of newer vintage.

3 So as the houses get older, as you go down  
4 the list, the fire death rates per million go up quite  
5 substantially. The first one was a mail survey, and  
6 the people that received the mail surveys went down to  
7 the city hall to find out where the deaths were, got  
8 the addresses of the houses and figured out how all of  
9 the houses were from tax records.

10 In the second case, the researcher  
11 actually went to the individual houses himself and  
12 looked at 80 percent of all fire deaths in the State  
13 of California between 1986 and 1991. I thought both  
14 of these survey's research efforts had some troubles.

15 The one and most importantly, they weren't  
16 reproducible. If you wanted to go talk to the  
17 researcher, he couldn't give you the results very  
18 easily, and you could not reproduce them yourself.

19 That was, I thought a real drawback. And  
20 the second drawback I thought was this is too simple a  
21 world that they're looking at. It's not just so  
22 simple. You can't just say, well, it's the age of the

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1 house and that's the end of the story.

2 Georgetown has lots of very old houses,  
3 and they don't burn down. Well, of course, they cost  
4 two million bucks a piece, but they don't burn down  
5 because people take really good care of older houses  
6 in many cases.

7 So we have to use statistical techniques  
8 that are a little bit more complex than that. So I  
9 use regression analysis, ordinary loose squares. I  
10 tried a couple other Tobit and Probit (phonetic) and  
11 Heckin Two-stage, but the result didn't change very  
12 much.

13 Data sources. It was critical to me. I  
14 decided a priori to use data sets that were publicly  
15 available to everybody so that if someone didn't like  
16 my research, I could give them my data set and I could  
17 say, "Hey, go to town. You don't like what I did?  
18 You can try, and if you don't believe me, you can  
19 download the data yourself from the CDC Website or  
20 from the Census Website, and you can do your own  
21 research and I'll tell you what I did, and you can  
22 reproduce it."

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1           So the residential deaths, I had county  
2       residential fire death data came from the Center for  
3       Disease Control, National Center for Health  
4       Statistics. They have a file called the multiple  
5       cause of death file.

6           Demographic data came primarily from the  
7       2000 census. There's all kinds of information there,  
8       single family, multi-family, occupied, nonoccupied,  
9       residential, single fam., urban, rural, population  
10      density. There's a wealth of interesting data there.

11          And lastly I got some smoking by county,  
12      percentage of smokers within counties from the BRFSS  
13      data or the behavioral --

14               (Laughter.)

15          MR. EISENBERG: That's what it's called,  
16      behavioral risk factor surveillance system data. They  
17      ask questions like how many carrots do you have a week  
18      and have you had a mammogram and all of those sorts of  
19      health related questions.

20          But for this particular research smoking  
21      was a helpful thing to get out of that data. The  
22      analysis was based on the county level. I couldn't

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1 get lower than the county level. Looking at state  
2 level, there are 50 states. Fire death rates don't  
3 vary that much from state to state. They vary quite a  
4 lot, but not as much as they do within counties.

5 And my dependent variables I've mentioned  
6 earlier was the fire death per million persons rate.  
7 That's an important number because New York City is  
8 always going to have a lot more deaths than  
9 Washington, D.C. because it's 20 times bigger.

10 So looking at the death rate per million  
11 removes the impact purely of population and looks at a  
12 neutral number that's not biased in any shape, way or  
13 form.

14 The CDC suppresses data for small  
15 counties. They define small counties as counties  
16 below 100,000 people. So I had only 450 of the  
17 biggest counties in the country in my data, and of  
18 those, only 333 even had one fire death.

19 And I threw out one observation. It was  
20 Barrion County, Michigan, it turned out to be, because  
21 their fire death rate was twice as high as the next  
22 highest county, and I thought they must have had a

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1 very bad year. They may have had one very bad fire.  
2 It isn't a very large county.

3 So I threw them out, and I had 457  
4 counties in my regression equation. And the fire  
5 death rates among those counties varied from zero to  
6 49, which is a lot of variation. So my model had a  
7 lot of explaining, an opportunity to try to explain a  
8 lot of variation. Let's put it that way.

9 The theory here is pretty simple. Newer  
10 homes are probably better than older homes. They're  
11 better because there are better codes, as Mr. Conover  
12 -- I think Mr. Conover truly believes what he does  
13 helps houses and makes them better, safer places.  
14 That should result in newer homes being safer homes.  
15 They have better heating systems. They have better  
16 electrical systems. They have a myriad number of  
17 things that make them substantially better and  
18 quantitatively and qualitatively superior to old  
19 homes.

20 If nothing more, they're bigger, and if a  
21 house burns down and it's a one room house and you're  
22 in the house, you're in the room. But if you live in

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1 a palace of Saddam Hussein's, half of the palace can  
2 burn down before you're aware that the palace is  
3 burning down. So bigger in and of itself makes a  
4 house safer. They're newer.

5 I thought that wealthier people or people  
6 with higher incomes probably treat their houses or  
7 dwellings better than people who are poor. It may not  
8 be that poor people don't want to treat them. They  
9 may just not have opportunity or ability to do so.  
10 They may live at the whim of the landlord. They may  
11 not have the money to spend to buy our fire  
12 extinguisher or whatever.

13 I thought wealth was probably an important  
14 variable, and then there are a host of control  
15 variables that are critically important to include in  
16 the equation.

17 The coefficients for those control  
18 variables are not something I really care about. I'm  
19 most interested in the first one, the age of the new  
20 home; to some extent, the wealth of the county as  
21 well. But if one of the omitted variables on the  
22 bottom, the control variables, is not included in the

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1 equation, it might contaminate the results from the  
2 variables on top.

3 So I've got to include a whole lot of  
4 other stuff to make sure that my results are pretty  
5 clear and pretty straightforward and not biased  
6 because of something.

7 Rather than giving you the blow-by-blow  
8 detail of all the regression coefficients of all the  
9 stuff, I'm going to give you what I call the scenario  
10 analysis. It's a little more pleasant, a little more  
11 easy to understand. I can give you the coefficients  
12 at a later time. I've got a paper.

13 The result said that right now there are  
14 8.45. This is for data for 2000. It has fallen  
15 slightly since then. There are 8.45 fire deaths per  
16 million, and in my data, I show 2,604 residential fire  
17 deaths in the year I did the research.

18 And then I say to myself, let's look at  
19 the results, the coefficients I got from my equations  
20 and let's make some assumptions. This is a cross-  
21 sectional data set that I've got. It has 457 counties  
22 or 453 for the U.S. in the year 2000. So what I'm

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1 doing is I'm comparing counties. I'm looking at some  
2 counties that are built that are relatively new  
3 counties.

4 A county called Cullen County, Texas is  
5 the newest county in the country. In the last 20  
6 years it has been building more houses and a higher  
7 percentage of its stock is brand new than any other  
8 county, even more than Clark County in Nevada, which  
9 was the eighth newest county in the country.

10 At the other end is a county called  
11 Scougle County, Pennsylvania. It's the oldest county  
12 in the country. San Francisco is an old county. New  
13 York City is an old county as well, by "old" meaning  
14 the age of the stock.

15 So let's compare these different counties,  
16 not those two literally, but let's compare the average  
17 county to a county that's ten percent newer, "newer"  
18 meaning newer housing stock, and housing stock new is  
19 defined by 1994. In '94, I tried '89 and '79 and '69,  
20 '59, '49, and the results were all quite similar.  
21 There didn't seem to be a great deal of difference.

22 I shouldn't say that. It kept improving

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1 as I went forward. Newer houses were progressively  
2 safer, but I could have tried '89 or '79. The results  
3 were quite similar.

4 Sure enough, newer homes are safe homes.  
5 A county that's ten percent newer than the average  
6 county has a fire death per million rate that's 21  
7 percent lower. If you translate that to the nation as  
8 a whole, you can't do that, of course, but in theory  
9 if you made every county ten percent newer in terms of  
10 its stock, you'd save 547 lives, down from 2,006, a  
11 tremendously gigantic number.

12 Similarly, if you made the counties  
13 wealthier, if you compare the county that was average  
14 wealth to one that was ten percent wealthier, it  
15 showed a 13 and a half percent decline in the fire  
16 death per million rate in that county, and if you put  
17 them both together, found a newer county and a  
18 wealthier county, the rate was 34 and a half percent  
19 lower.

20 So these two variables alone are  
21 explaining a lot of this, and my regression  
22 coefficients all had very high T statistics. The F

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1 values were all quite high. The model was a  
2 reasonable model. So I'm not looking at variables  
3 that are not significantly different from zero. They  
4 had very high coefficients.

5 So clearly, of these two variables, the  
6 two most important ones that I found, numerous stock  
7 is particularly important, and that's a very pleasant  
8 and reassuring thing because with the rates of modern  
9 construction we're adding about one and a half percent  
10 to the total stock of housing every year. All of  
11 these houses are the beneficiaries of the I codes and  
12 they're safer and they're better and they're nicer.

13 And as a result, we can expect to see, I  
14 would not be surprised to see a continued decline in  
15 fire death per million rates of roughly three to three  
16 and a half percent per year because we're getting  
17 wealthier as a society and we're building more new  
18 homes every year.

19 So this story is a good story. Things are  
20 getting better.

21 Part two, cross-sectionally we know that  
22 the two most important variables are the age of the

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1 house and the wealth of the community. Now let's look  
2 at it in time series. Let's apply what we've learned  
3 and think up some other issues and go forward.

4 What happens over time? These are  
5 national numbers. The top number is total fire  
6 deaths. The yellow line, the pink line is residential  
7 fire deaths. They've fallen roughly 20 years ago from  
8 close to 5,000 to roughly two and a half thousand  
9 today, 40 or 45 percent decline in the total number of  
10 deaths.

11 Two and a half thousand deaths is still  
12 two and a half thousand deaths too many. Don't get me  
13 wrong, but this is remarkable improvement. It's  
14 really quite stupendous. This is a problem that is  
15 slowly going away.

16 All of the things that we've done to date  
17 so far and all of the interventions that we've done  
18 have had a dramatic effect, be it smoke detectors, be  
19 it new homes, be it we're getting wealthier as  
20 society, be it public service announcements, all of  
21 these things together are having the desired effect,  
22 and there doesn't appear to be a decline in the slope

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1 of the line even recently because in the last two  
2 years it doesn't seem to have moved much.

3 But generally speaking, it continues to  
4 decline by roughly 100 fire deaths per year  
5 nationally.

6 Let's now look at Maryland. Maryland is  
7 nearby. It has some similar characteristics to  
8 Washington, D.C., more similar than at least the  
9 neighboring Virginia counties.

10 There are two lines on this chart. The  
11 top line is the fire, the total number of deaths.  
12 Unfortunately the axis can't be seen here. I'm not  
13 sure what to do. It goes from about 100 is the top  
14 number, the number of deaths in 1983 was about 95 in  
15 the State of Maryland. It has now fallen to about 50.

16 It has? Okay, good. Thank you.

17 CHAIRPERSON KRESS: Yes, David Bardin just  
18 pointed out the handout has it for those of you who  
19 didn't hear. So you can take a look at it there.

20 MR. EISENBERG: So the fire death, the  
21 number of fire deaths in the State of Maryland have  
22 fallen by 40 percent or so, 45 percent, nearly 50

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1 percent, again, just like the nation, a tremendous  
2 downward improvement, this downward improvement a  
3 continued improvement.

4 But the bottom line is the fire death per  
5 million rate. That's very interesting because it has  
6 fallen by about two-thirds. It went from about 22 in  
7 '83. It's now about nine. So it has fallen by more  
8 than the number of fire deaths, and that's reasonable.

9 The population of Maryland has grown quite  
10 a lot in the last 20 years. About a million more  
11 people live in Maryland now than did 20 years ago. So  
12 you have a declining number of absolute deaths from  
13 about 90 to about 50 over a bigger population. So the  
14 numerator is shrinking. The denominator is getting  
15 bigger, and the whole fraction has got to be  
16 declining.

17 So the fire death rate is declining by  
18 more than the number of fire deaths, and that's as it  
19 should be for the nation as a whole. It also has to  
20 be that way because nationally we went from 5,000 to  
21 two and a half thousand, but over those 20 years our  
22 population grew by 50 or 60 million people.

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1           In the normal state of affairs, that's a  
2       good thing. Let's look at Anne Arundel County, a  
3       typical nice, pleasant, fast growing county. Its  
4       population grew from roughly 350,000 to close to half  
5       a million people over this 20-year period.

6           Again, I have two different graphs. The  
7       pink one is the fire death per million rate, and it  
8       declined precipitously. The first couple of years the  
9       numbers bounce around a lot, but it's roughly about  
10      ten, is the average of those first four or five  
11      observations, and now it's more around two. That's a  
12      big decline, 80 percent.

13          The fire deaths, however, haven't declined  
14      so much. They fell from four to two. Again, the fire  
15      death rate declining faster than the number of fire  
16      deaths. A healthy growing, happy county; the chance  
17      of dying in a health, growing, happy county are low  
18      and they fall quite quickly.

19          You know, one person or two people per  
20      year are dying in Anne Arundel County. That's  
21      tremendous. I mean, you'd like to get it to zero, but  
22      objectively that's really quite hard. People do

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1 things. Lightning hits houses. I mean, you can't  
2 stop every single natural disaster from occurring.

3 And in most counties where a trend was  
4 discernable, it looked like Anne Arundel County.  
5 There were a number of counties where there was no  
6 trend at all. There were so few fire deaths to begin  
7 with that you couldn't separate signal from noise.  
8 You couldn't tell, oh, you know, lightning hit a house  
9 or there was a bad one fire that killed four or five  
10 people and that spiked up the number of deaths from  
11 one or two to eight that year.

12 That's not a trend. That's just something  
13 just bad happened that year. There's many Maryland  
14 counties; there are very few fire deaths. Remember  
15 Maryland only has right now 50 fire deaths a year in  
16 the whole state.

17 But one place was special, and that's the  
18 City of Baltimore, and the City of Baltimore, rather  
19 than the rate being lower than the fire deaths, the  
20 fire deaths are falling at a faster rate than the  
21 rate. Again, remember nationally in the State of  
22 Maryland fire death rates are declining by more than

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1 the number of absolute fire deaths.

2 In Baltimore this process is completely  
3 inverted. The fire deaths have declined, the bottom  
4 line here, from 45 or so to about 25, nearly half, but  
5 the rate has fallen from 60 to about 40, only about a  
6 third, and the reason is the population in Baltimore  
7 is declining, and it has declined precipitously. It  
8 has fallen by 20 percent over this period of time.  
9 This is really interesting.

10 Now, let's think back a couple of slides  
11 earlier to the total number of deaths in the State of  
12 Maryland. We knew it started out at roughly 90 or 95,  
13 and now it has fallen to roughly 50. Look at  
14 Baltimore. Baltimore still has half of the deaths in  
15 the entire state. It originally had about 50 out of  
16 100 roughly and now it has 25 out of 50 in the entire  
17 state. Even though Baltimore's population is dropping  
18 like a rock essentially, it's still clinging to  
19 holding onto half of the fire deaths in the State of  
20 Maryland. That's really crummy.

21 What does this mean? Well, let's look at  
22 it. In the City of Baltimore, income is falling. Ten

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1 years ago it was 80 percent of U.S. median family.  
2 Now it's 70 percent. The housing stock is really old,  
3 53 years. The population is shrinking. This is a  
4 collection of really awful things.

5 As I mentioned earlier, despite the  
6 population, the precipitous population fall, Baltimore  
7 is still half of all of the fire deaths in the State  
8 of Maryland, which means that the chances of dying in  
9 a fire in the City of Baltimore have actually  
10 increased relative to the rest of the state.  
11 Baltimore's fire death rates were 60 20 years ago per  
12 million; the state was 20. It was three times as  
13 great. Now it's four times as great.

14 They've come down everywhere. Absolutely  
15 Baltimore City is much safer than it was, but relative  
16 to the rest of the state, it has actually gotten  
17 worse, and so now it's four times as dangerous as the  
18 rest of the state.

19 You have a relatively worsening situation.  
20 The fire deaths are becoming increasingly  
21 concentrated among a relatively small number of people  
22 who happen to live in the City of Baltimore.

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1           And what does Baltimore have going for it  
2 negatively in this case? Old housing, poor people.  
3 That's a really toxic combination. It isn't that the  
4 declining population itself is so bad. That's just a  
5 signal that there must be some underlying factors that  
6 are really crummy.

7           Now I'm going to make a slight leap. What  
8 other local jurisdiction around here has suffered from  
9 declining population over the last 20 or 30 years?  
10 Any clues?

11           PARTICIPANT: The city.

12           MR. EISENBERG: Ha, ha, a cigar for you.  
13 But before I tantalize you with the D.C. information,  
14 I want to put this graph on. I'm going to tell you  
15 these are three different counties. They're all  
16 nearby. They're all roughly the same size. Fire  
17 deaths, fire death rates are on the left-hand side.

18           The top line has clearly got a real  
19 problem. Its fire death rate is two, three, or four  
20 times as high as the yellow and the pink line on the  
21 bottom. If you have a high fire death rate, you want  
22 to get it down, and you probably will have -- what do

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1 we think we have in a place that has higher fire death  
2 rates? Probably have old housing stock, probably have  
3 low incomes because we know those two things generally  
4 go together when it comes to fire death rates.

5 The yellow line seems to be trending down,  
6 but I'm not 100 percent sure. There are so few fire  
7 deaths in that county that it's hard to tell what's  
8 going on. Is there really decline or is it just two  
9 or three good years that were preceded by two or three  
10 bad years? I don't know.

11 And the bottom line is so low that the  
12 last year went up a lot. Three years, it may have  
13 gone up, but maybe it didn't really. Maybe it's just  
14 a bad year or two. I don't know.

15 By the way, one of these places has had  
16 sprinklers for a long time. Anybody care to guess  
17 which one it is? Which one is it?

18 MR. FETTERMAN: The top one.

19 MR. EISENBERG: The top one? Who thinks  
20 it's the top one?

21 Any other guesses?

22 PARTICIPANT: Is this in Maryland?

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1 MR. EISENBERG: P.G. County is in  
2 Maryland. It's a bordering county east of here.

3 PARTICIPANT: Are all three of these  
4 Maryland counties?

5 MR. EISENBERG: No. No one is prepared to  
6 venture a guess. The top one, no, is actually D.C.  
7 P.G. actually is the yellow one, which is interesting.  
8 They installed sprinklers in when? '91 or '92?  
9 Something like that.

10 '87 or '88? Which means that by '91 or  
11 '92 maybe three or four percent of the stock in P.G.  
12 had fire sprinklers. By now maybe 20 or 25 percent of  
13 the stock in P.G., 20 percent, may have sprinklers.  
14 But as you can see, the fire death rate is trending  
15 down at the rate that the entire nation is declining.  
16 Their sprinkler rate ought to be declining faster if  
17 they've made this intervention. It should help. This  
18 data doesn't show it. This rate shows that P.G. may  
19 be declining, and if it is declining, it's declining  
20 at the national rate.

21 One of these counties just passed  
22 sprinkler legislation. Right, there's a pink line.

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1 Their fire death rates are virtually nonexistent right  
2 now. They're virtually nonexistent. Two to three  
3 people, in general, a year are dying in Montgomery  
4 County. To install sprinklers when you've only got  
5 two people dying in a count of almost a million and  
6 their rate is already one-fifth the national average,  
7 there may be very good reasons; I not quite sure what  
8 they are.

9 But getting back to D.C., I think what's  
10 going on in D.C., D.C. has got a really serious  
11 problem relative to Montgomery and P.G. Their death  
12 rates are two or three times as high, and I think  
13 what's going on in D.C., D.C. is arguably a microcosm  
14 of Maryland. I think D.C. can be split in half, and  
15 you can think of D.C. as Northwest, for lack of a  
16 better word, where the houses are single fam. They're  
17 well maintained. The stock is in wonderful condition.

18 They're being renovated and rehabilitated on an  
19 ongoing basis, and you have, shall we say non-  
20 Northwest where the houses are old; they're not in  
21 good condition; and I'm going to argue -- I don't have  
22 proof of this -- but I'm going to argue that the fire

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1 deaths in the District of Columbia are probably being  
2 increasingly concentrated in non-Northwest because  
3 that part of the city is like Baltimore City is to  
4 Maryland.

5           You've got a concentration of poor people  
6 in old housing, and if you have a fire death rate that  
7 is this high, the top blue line, the way to solve it,  
8 at least in my opinion, is to intervene in those  
9 houses because that's where the problem is. That's  
10 where the people are dying.

11           You've got ten, 12, 15 people a year, 20  
12 people a year dying in D.C. in fires, and they're  
13 dying in existing housing. All the other data  
14 everywhere else is telling us that new houses aren't  
15 burning down much.

16           Let's recap. Fire death rates are likely  
17 to fall over time of a secular people because they're  
18 building more nice, new houses that are on good codes,  
19 and we're getting wealthier every year as a society.  
20 GDP per capita keeps going up. Those are all putting  
21 downward pressure on the fire death rates. So they  
22 will continue to fall.

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1 But in the worst places, in the places  
2 that have high concentrations of poverty and the high  
3 concentrations of old stock, you've got a really bad  
4 problem, and the chance of dying in a fire in those  
5 places is likely to go up relative to other places.  
6 And if the population is actually declining, that's a  
7 clarion call that something very dramatically is going  
8 wrong demographically and socioeconomically. These  
9 places are particularly vulnerable cities or counties,  
10 and not necessarily all of the county, the whole  
11 county or the entire city, but the part where it's  
12 relatively poor, like Baltimore City is to Maryland as  
13 a whole or parts of D.C. are to other parts of D.C.

14 So to save lives, given all of this that  
15 I've thought about and all of this that I've shown  
16 you, I thought of a very silly acronym called "TRY,"  
17 target, replace and improve.

18 Target the message to at risk groups.  
19 People living in old housing who are poor are the  
20 group at most risk of dying in a fire. Help these  
21 poor people. Not only do they live in an old, crummy  
22 house, but now their chance of dying in a fire are

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1 continually rising relative to yours.

2 That's awful. It cries out for something  
3 to be done for these people. They don't deserve this  
4 fate.

5 Replace things. There are a lot of  
6 interventions that we can do, many that we've already  
7 done, but many that we can do that will really help  
8 these people.

9 I live in a house that's 51 years old. I  
10 know how crappy these houses are. They don't have  
11 polarized plugs in them. I don't have GFI sockets. I  
12 didn't have until recently GFI sockets in my bathroom.

13 I didn't have until recently a breaker box in the  
14 basement. I had a fuse box.

15 I replaced. I have done all of these  
16 things in my house because I know the data, and I know  
17 where the fires are, and I know what has got to be  
18 done and for relatively low sums of money a lot of  
19 these interventions can be done, not all of them, but  
20 many of them.

21 And of course, improve the rehabilitation  
22 codes because as these houses are sold, there's a

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1 chance when someone buys this house they're going to  
2 rehab it, and when they rehab it, that's the chance to  
3 turn a 100 year old house that's in crummy condition  
4 into essentially a brand new house with a 120 year  
5 shell exterior, and that would go a long way toward  
6 making that house as safe as a brand new house.

7 But the key thing is the concentration of  
8 fire deaths is going to continue to be increasingly  
9 concentrated in these areas where you've got both  
10 poverty and old stock.

11 Thank you very much.

12 CHAIRPERSON KRESS: Thank you, Elliot.

13 MR. EISENBERG: It's a pleasure to be  
14 here.

15 (Applause.)

16 MR. EISENBERG: My name and information is  
17 on the back of the last form. I would be happy to  
18 entertain questions and look forward to talking to any  
19 of you in the future.

20 CHAIRPERSON KRESS: Questions?

21 MR. PARR: I'm Shaun Parr.

22 I'm just curious. Would or could adequacy

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1 of emergency response, both fire and EMS, be an  
2 artefact in this kind of analysis?

3 MR. EISENBERG: I'm not sure I get the  
4 question.

5 MR. PARR: Well, I would assume there are  
6 going to be some variation from county to county, for  
7 instance, in the adequacy of their emergency response  
8 capabilities, which could have some effect on the  
9 number of incidents.

10 MR. EISENBERG: True, but over 458 --

11 MR. PARR: On the number of deaths.

12 MR. EISENBERG: The question is over 450  
13 counties is there a systematic difference in fire  
14 response rates by county characteristics. I don't  
15 know. We know that in rural counties fire death rates  
16 are much higher than urban counties in general. In  
17 the county houses are five miles away. When the fire  
18 goes up, the house is gone. They're not going to come  
19 in time.

20 Because these counties are all relatively  
21 large counties, 450 largest, I would assume that their  
22 fire departments are relatively similar from across

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1 county. I didn't get data on budgets, you know, per  
2 capita budgets.

3 MR. PARR: Yeah, and obviously I'm  
4 thinking more specifically locally knowing that the  
5 District compared to its suburban counterparts  
6 probably has not given the resources to those services  
7 that might have, you know, allowed for comparability.

8 MR. EISENBERG: If that's the case, that  
9 might be a relatively inexpensive intervention to  
10 build a couple more firehouses, maybe.

11 CHAIRPERSON KRESS: Denzel, did you have a  
12 question?

13 MR. NOBLE: Yes. Was Montgomery County  
14 aware of this survey or any other survey, seeing that  
15 they only recently passed the legislation?

16 I know Montgomery County had been toying  
17 with the sprinkler requirement for the last ten years  
18 when we adopted a sprinkler system, but they see fit  
19 to adopt the sprinkler provision only last year.

20 Were they aware of this survey?

21 CHAIRPERSON KRESS: Identify yourself,  
22 please.

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1 MR. HABER: Mike Haber.

2 I represented MNCBIA when talking to the  
3 Montgomery County Council. Unfortunately Elliot's  
4 report was not available at that point. Elliot would  
5 have been a much better spokesman than I was.

6 It was a feel good measure. I mean, they  
7 did not want to think about the problems that are  
8 being addressed now. Are you, you know, taking off  
9 from Elliot's premise? Are you really addressing the  
10 problem by putting sprinklers in houses.

11 Yes, today's new houses become old houses,  
12 and I've heard that from every fire official I've ever  
13 discussed this with, but today's houses are built very  
14 differently than they were 50 years ago or even 20  
15 years ago.

16 So I think that, you know, as Elliot gets  
17 into more and more data you'll see that there is a  
18 difference between a 20 year old house in 1970 and a  
19 20 year old house in 2001 or 2004.

20 I think that, Denzel, the basic response I  
21 got was, "Hey, the fire marshals have told us this.  
22 We have a very wealthy county. We can afford. It's

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1 just another couple of thousand dollars a house. So  
2 it was a feel good measure.

3 What we're running into right now is with  
4 WSSC, and I think WASA would have the same problem,  
5 is, well, what are the size of the service lines.  
6 What size meters do you put in? Do you when you put  
7 in this sprinkler system have to dig up -- you know,  
8 in D.C. particularly, you have many existing service  
9 lines. Will you have to replace a three-quarter inch  
10 non-lead line --

11 (Laughter.)

12 MR. HABER: -- with a one inch line?

13 You know, there are a whole bunch of  
14 factors like that. So basically Montgomery County  
15 said we're doing it and now we're dealing with the  
16 problems. I think that, you know, my projection is  
17 we're going to see the same sort of graphs as they see  
18 in Prince George's.

19 I was on the Prince George's sprinkler  
20 task force in 1987. Sixteen fire officials and two  
21 builders, and it was passed 14 to two.

22 (Laughter.)

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1                   MR. HABER:    I think that logic hasn't  
2 really entered this system.  I mean, one thing in this  
3 argument, and that's what I think Elliot's study helps  
4 people think about; one thing logically he didn't list  
5 here, but everybody knows:     hard wired smoke  
6 detectors.  NAHB on a national level has promoted a  
7 model legislation that at the time of sale of a house,  
8 that somebody would have to put in hard wire smoke  
9 detectors with battery back-ups so that you have those  
10 two, and you know, there's much longer term batteries.

11                   But the realtors have a big problem with  
12 that because they don't want to be in charge of  
13 policing that, but certainly in the existing building  
14 codes on rehabs, as Elliot has pointed out, that's  
15 something that really can help bring up, increase the  
16 amount of safety.

17                   I mean if the District was able somehow to  
18 fund a proactive program in lower income areas with  
19 older housing stock for a hard wired smoke detector  
20 program, I think you'd get a lot more bang for your  
21 buck.

22                   MR. EISENBERG:   Let me add a comment to

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1 this. I'm going to put my hat on now as a housing  
2 economist, not as a fire guy.

3 If you impose sprinklers, the cost of  
4 sprinklers on new housing anywhere, it's a large cost.

5 It's four, 5,000 bucks a house. That means if you  
6 buy a new house in D.C., you're looking at a house  
7 that costs four or \$5,000 more than it did before or,  
8 you know, it doesn't have Corian countertops. It has  
9 Formica countertops instead or it doesn't have a  
10 second bath. It has only a bath and a half.

11 You've raised the cost of that house. As  
12 a new buyer coming to D.C., I have a choice. I can  
13 buy that new house that now costs four or \$5,000 more  
14 or I can buy an existing house which doesn't have this  
15 fire sprinkler in it and, therefore, is a little  
16 cheaper. But everyone tries to avoid getting the new  
17 house that has the sprinkler and costs more money,  
18 they drive up the prices of the existing houses, not  
19 all houses, and they don't all go up by 5,000 bucks  
20 because they all aren't really comparable to those new  
21 houses, but to the extent they are comparable, they  
22 will all experience a boost up in their price because

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1 the few new houses that are built each year will have  
2 a sprinkler.

3 By contrast, if you have mandated  
4 installation of hard wired backup, electric backup  
5 smoke detectors on sale, you're not going to get this  
6 bump up in the cost of existing houses. Something  
7 else to think about given D.C. and its housing  
8 affordability problems. Adding 5,000 bucks a house is  
9 a big deal.

10 MR. BARDIN: I'm David Bardin. I have two  
11 questions, one picking up on Shaun's.

12 Focus more on the EMS than the fire  
13 fighting because we've had a series of problems here  
14 that it takes the EMS folks longer to get to our  
15 callers than is typical in the region, nationally or  
16 the target for the city.

17 In your research is there some indication  
18 that the long time trends or longitudinal trends in  
19 any way are related to improved medical technology?

20 You'd think that perhaps something that  
21 caused a smoke inhalation death 30 years ago can now  
22 be treated in a way that it leads to a recovery, a

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1 survival if you know --

2 MR. EISENBERG: Absolutely. It has got to  
3 be in there. There is no question that I'm picking  
4 that up somehow, yes. I don't have the data on that,  
5 but it's certainly in there. No question.

6 MR. BARDIN: My second question is  
7 strictly on the sprinkler issue, which is the issue on  
8 the table. Did you try to use your data in any way to  
9 look at before sprinkler/after sprinkler? Are there  
10 enough counties and enough data?

11 Well, you told us Prince George's County.  
12 That's one anecdote.

13 MR. EISENBERG: But it's a good story.  
14 It's a very good story because it has been done long  
15 enough ago such that the effects ought to begin to be  
16 felt now. Don't forget it's going to take 20 years or  
17 15, 20 years before you can have any impact because  
18 all of the existing stock doesn't have sprinklers in  
19 it. They're just as unsafe as they were.

20 MR. BARDIN: Well, look. It's low, to  
21 start with.

22 MR. EISENBERG: Right.

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1                   MR. BARDIN:   And it's one county, and  
2                   you're looking at hundreds of counties. Do you have  
3                   any -- have you sorted any of the data about your  
4                   counties in terms of do they have a sprinkler  
5                   ordinance and, if so, when do they install it?

6                   MR. EISENBERG:   I don't, but I will do  
7                   that next. That's going to be next on my agenda.

8                   MR. BARDIN:       That would be very  
9                   interesting.

10                  MR. EISENBERG:   I would be happy to share  
11                  it with this group.

12                  CHAIRPERSON KRESS:   I'm sorry.   Howard  
13                  wondered if he could make a quick point and then you  
14                  pass it back to Joan. We'll do that.

15                  MR. EBENSTEIN:   Howard Ebenstein.

16                  Hi, Dave. How are you doing?

17                  I'm not a sprinkler expert, but I just  
18                  couldn't help but wonder. We're focusing in on deaths  
19                  and obviously that's where the focus should be, but  
20                  there's also the issue of property damage. You can  
21                  have nobody dying and you can have somebody's house,  
22                  you know, become a pile of ashes. So have you taken a

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1 look at property damage protection or reduced property  
2 damage losses or however the insurance company is  
3 going to measure that and how that correlates with the  
4 use of sprinklers?

5 MR. EISENBERG: I have not, but in the  
6 next level, in the next analysis, will look at the  
7 counties that have it, have imposed sprinklers, and  
8 see if there's been a dramatic or significant  
9 reduction.

10 MR. EBENSTEIN: There was one other thing  
11 that I wanted to ask you about that caught my  
12 attention. It was one of the early slides. You added  
13 two things. One was the income and the other was  
14 the --

15 MR. EISENBERG: New stock.

16 MR. EBENSTEIN: Yeah, the age of the  
17 stock, and you added those, and I couldn't help but  
18 wonder: can they be added or is there an interactive  
19 or a --

20 MR. EISENBERG: This model did not have an  
21 interaction effect.

22 MR. EBENSTEIN: Because there could be

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1 some overlapping between the two.

2 MR. EISENBERG: There could be.

3 MR. EBENSTEIN: And the whole may be less  
4 than the sum of the parts.

5 MR. EISENBERG: But the model that I ran,  
6 the model that I settled on at least for this stage in  
7 the research was linear in the terms, and it was  
8 additive. Yes, you are right. It could be.

9 MS. STOGIS: Joan Stogis.

10 First, just a comment on Howard's question  
11 about the sprinkler system and property damage, a  
12 personal anecdote which I've heard with a couple of  
13 people off line.

14 I live in a single family house in  
15 Maryland. When my homeowner's insurance came up for  
16 renewal, I asked the insurance company two  
17 hypothetical questions. One, what reduction would I  
18 get if I had a monitored burglar alarm system, 250  
19 bucks. Well, that is the monitoring cost pretty much.  
20 So that's rather attractive.

21 What would they reduce my premium by if I  
22 put in a residential sprinkler system? Seventy

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1 dollars. So there's no correlation to the investment  
2 necessary. So at least the insurance companies are  
3 not --

4 MR. EISENBERG: Finding it.

5 MS. STOGIS: -- not seeing a benefit.  
6 Now, it doesn't mean insurance companies -- I guess  
7 they are reactive more than proactive, but that's  
8 interesting.

9 Going back to the sort of general really  
10 fascinating things you've pointed out in the District  
11 of Columbia -- this is a little bit off the immediate  
12 sprinkler issue, but we had this Homestart legislation  
13 a couple of years ago which really led us to now be  
14 with a various of the international existing buildings  
15 code, but part of that which I didn't pay any  
16 attention to because it was outside of the purview of  
17 this committee had to do with financial incentives to  
18 encourage home ownership.

19 So I'm wondering -- and this probably  
20 isn't hours, but it might be somebody's -- but is  
21 there anything in there that would encourage buyers of  
22 older houses to make these upgrades which you've

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1 identified as improving safety?

2 That would be something that somebody in  
3 D.C. would be good to look at, the council's --

4 MR. EISENBERG: Theoretically it would be  
5 a lovely idea, but --

6 MS. STOGIS: The other question I have is  
7 apparently the impetus for the Homestart legislation  
8 was that D.C. has a lower rate of home ownership than  
9 comparable cities, and I wondered if in your analysis  
10 you found any relationship between rental versus  
11 owner-occupied by --

12 MR. EISENBERG: Interestingly I didn't I  
13 tried that in the model a number of different ways. I  
14 included instead of having incomes or wealth, I tried  
15 rent. I included multi-fam., single fam. percentages  
16 in the county. It didn't show up.

17 That doesn't mean it's not relevant. What  
18 it may mean is that within my sample of 457 counties  
19 that are all relatively large and relatively urban,  
20 there aren't great differences in those ratios across  
21 the counties, and therefore, the effect just isn't  
22 showing up. I'm not prepared to say it doesn't

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1 matter. I can at least say I can't find it.

2 MS. MONTPLAISIR: Hello. I'm Gail  
3 Montplaisir. I'm from the developer and builder side,  
4 and I work here in D.C.

5 And we have been talking about this in the  
6 existing building, existing structures subcommittee,  
7 and there are several things that I would like to  
8 bring up.

9 From the builder's side, the gentleman on  
10 the end brought up the issue about increasing the size  
11 of the water service for single family homes, as well  
12 as it's the same for multi-family homes, too, but that  
13 is a big issue, and if it's not being looked at as a  
14 part of the overall discussion, it ought to be because  
15 that is a very expensive proposition. It is not  
16 inexpensive at all.

17 I do this regularly. I do it for small  
18 buildings. I do it for single family homes, and it is  
19 not an inconsiderable expense, and if we're saying  
20 four to \$5,000, that's probably much less than what it  
21 would be when you have to add in your upgrade of your  
22 water, and generally the lines in D.C. do require an

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1 upgrade of the size of the line to be able to  
2 accommodate a sprinkler system. That's number one.

3 Number two, from the insurance side, I  
4 also have to deal with this and have also dealt with  
5 it on an anecdotal basis also. From the insurance  
6 side we have a couple of issues. Does your house burn  
7 down and become ashes? Do you have more that's  
8 preserved if it's not?

9 I think that the statistics show, and I  
10 don't have a citation for it, but I'll be happy to  
11 look for it, is that frequently the sprinkler systems  
12 themselves cause more damage than many of the fires.  
13 Now, obviously it depends upon the size of the fire,  
14 but it does happen that the fire, you know, can be put  
15 out very easily, but the sprinkler system goes off.  
16 They don't just stop as soon as the fire is out. They  
17 keep going and going and going and going, and the  
18 interior of the house and all of the belongings become  
19 demolished because of the water damage.

20 And then on the anecdotal side, I just  
21 recently had one of my rental units have a fire  
22 sprinkler blow off because there had been a number of

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1 heads that in the last several years that have been  
2 found to be defective, and it's over the last ten  
3 years. And it comes up and then they replace them and  
4 then it comes up and they replace them, but they don't  
5 advise people when a sprinkler head is found to be  
6 defective. It's simply put out there. If you happen  
7 to catch it, fine. If you don't, fine.

8 The sprinkler head blew off. It was  
9 defective. Within -- I don't know -- 30 seconds there  
10 were six inches of water in the unit where the people  
11 were living. It flooded the building next door also,  
12 and the insurance company would only pay for the  
13 damages to the interior of our unit that were things  
14 like drywall, carpeting and things like that. They  
15 replaced nothing from the unit next door that has its  
16 entire floor ruined. They wouldn't pay for any of the  
17 repair work that had to be done because that's  
18 considered a maintenance item, and the insurance  
19 companies are not up to speed, where they ought to be  
20 if we're considering this type of legislation, I  
21 believe, as far as fire sprinklers in all new housing.

22 MR. EISENBERG: If I may chime in, a

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1 concern I've had about sprinklers, I don't know how  
2 long they last. I think that's a really important  
3 issue. Not many things in a house last 100 -- some  
4 things in a house last 100 years. In a house floors  
5 last 100 years and walls. Things with water in them  
6 don't generally last 100 years or 50 years or 40  
7 years. I don't know what happens at that point.

8 What do you do then? What is the cost to  
9 fix that problem when it happens? What do you do?

10 I'm not an engineer. I don't know.

11 MR. PARR: David.

12 MR. BARDIN: David Bardin again.

13 I just want to add a couple of pieces of  
14 information on the estimated cost of replacing the  
15 line, the service line. This is indirect. So bear  
16 with me carefully. WASA has put forward recently the  
17 cost of replacing -- these are replacing lead service  
18 lines with copper where there's no change in the size  
19 of the line, but their estimate -- it's not an  
20 estimate. It's the average they've experienced in  
21 several hundred replacements in the last few months  
22 between the water main in the middle of the street and

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1 the property line is just over \$10,000, to which they  
2 add that the continuation on the property owner's side  
3 might be 2,000, but that's just an estimate.

4 Only a couple of years ago in a  
5 discussion, in an analysis of this issue, the WASA  
6 estimate of the first part of the public side, but an  
7 estimate, not actual experience, was about half of  
8 that.

9 So I can't say that these recent several  
10 hundred are necessarily typical, but certainly one of  
11 the factors that has happened here in the District is  
12 the change in the repaving requirements of the  
13 Department of transportation, that when you cut into a  
14 street if the street has been rebuilt, so-called  
15 moratorium street, a wider cut, you have to pay more;  
16 so the cost, it bears analysis, but when you're  
17 thinking about it, these latest WASA figures, and it  
18 would obviously be more because there would be more  
19 replacements, are worth asking yourself about, and  
20 this is without regard to who bears the cost, whether  
21 it's the developer cost that Gail was talking about  
22 when the developer is implementing something or a city

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1 cost when it's a replacement.

2 MR. PARR: Thank you.

3 Marc.

4 MR. FETTERMAN: Hi. Marc Fetterman.

5 The comment about the life of sprinkler  
6 system is a wonderful one as someone who loves and  
7 tries to focus his work on this older housing stock  
8 that you're criticizing. One of the issues --

9 MR. EISENBERG: I live in an old house  
10 though.

11 MR. FETTERMAN: One of the issues that  
12 I've noticed that many of us don't take advantage  
13 of -- and this is a challenge, I think, for our  
14 city -- my understanding that a smoke detector has a  
15 ten-year life and that we're supposed to replace our  
16 smoke detectors after a certain amount of time.  
17 They're not good forever.

18 Obviously that's a much lower cost, but  
19 even if we were fortunate enough to get smoke  
20 detectors in every house, that's not the end of it  
21 because just as we were talking about it, the  
22 sprinklers, the smoke detectors have elements inside

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1 that do not last forever. So it's a multi-step  
2 challenge that we have ahead of us.

3 MR. EISENBERG: You're absolutely right,  
4 yes. I agree wholeheartedly.

5 CHAIRPERSON KRESS: Thank you.

6 Anymore questions?

7 (No response.)

8 CHAIRPERSON KRESS: If not, thank you very  
9 much for coming and visiting with us, and I think that  
10 this is helpful in many directions and perhaps  
11 particularly to the existing structures committee. I  
12 don't think that was necessarily what we were  
13 expecting, but I think it was overall very helpful to  
14 us, and I really appreciate your taking the time to  
15 come visit us.

16 MR. EISENBERG: Thank you very much.  
17 Thank you.

18 (Applause.)

19 CHAIRPERSON KRESS: With everyone's  
20 permission, unless there is some pressing old  
21 business, I will just reiterate what was I understand  
22 to be established at the last meeting, which is that

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1 at our next meeting Denzel and DCRA will hopefully  
2 have the codes and have the code sooner, but certainly  
3 have the knowledge about them.

4 Also, the amendments that we feel, that  
5 DCRA feels and our own members feel should be put on  
6 an expedited basis to evaluate, there were several  
7 that were mentioned last time that we need to discuss,  
8 and so if you have any additional ones, do let Sara  
9 know and we'll have a list. Sprinklers are one of the  
10 issues, which is why we have this presentation today.

11 That was one that was listed very high that we  
12 reevaluate in its completeness, and I think we took a  
13 big step today.

14 Race permits were mentioned. Sign,  
15 special signs, revocation of permits, and the date  
16 regarding the elevator transition for the changes to  
17 the elevator regulations and the date in which they  
18 take effect. That was the other very large issue that  
19 was brought up to us.

20 Yes, Mr. Bardin.

21 MR. BARDIN: On the elevators, DCRA has  
22 announced at least informally in an E-mail I've seen

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1 from Denzel's Deputy that that July 31 date is going  
2 to be -- maybe it has been -- is going to be rolled  
3 for a year at least in the D.C. Register, and they've  
4 also indicated --

5 CHAIRPERSON KRESS: I'm sorry. It has  
6 been published?

7 MR. BARDIN: I don't know if it has been  
8 published yet, but it's going to be very shortly, I  
9 think.

10 CHAIRPERSON KRESS: Is that your  
11 understanding, Denzel?

12 MR. NOBLE: Yeah, the notice to extend the  
13 2004 date was supposed to have been posted. I'm not  
14 sure if it has.

15 MR. BARDIN: But the second point that  
16 they made in the E-mail was that DCRA looked forward  
17 to developing a rolling compliance program.

18 And so my question, Madam Chair, is  
19 whether the Director has yet reached a conclusion as  
20 to whether the development of that rolling compliance  
21 is something on which DCRA would like this committee  
22 to have some input, advisory input to.

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1 MR. NOBLE: Yes, I can answer that.

2 CHAIRPERSON KRESS: Thank you.

3 MR. NOBLE: The reason for presenting the  
4 rolling compliance is that we plan to bring that to  
5 the committee. We'd be looking for input from this  
6 committee as to how this rolling compliance would  
7 work.

8 CHAIRPERSON KRESS: So that would remain  
9 on our --

10 MR. NOBLE: Yes, that would remain. And  
11 if you --

12 CHAIRPERSON KRESS: -- expedited list.

13 MR. NOBLE: For those of you who went to  
14 the hearing at --

15 CHAIRPERSON KRESS: On October 22nd?

16 MR. NOBLE: -- regarding codes --

17 CHAIRPERSON KRESS: It was October 22nd.

18 MR. NOBLE: Yeah, and again, at the budget  
19 hearing, it's one of the issues that's on the  
20 committee chair's radar, the elevator issue, and she's  
21 waiting to see exactly what we are going to do in  
22 terms of, one, extending the date, which is what I

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1       said. The notices would soon be published, and Shaun  
2       and I have had some discussions about that.

3               And the language for the rolling  
4       compliance, which would even extend the date beyond  
5       the 2005 date.

6               CHAIRPERSON KRESS: I think I saw Jim  
7       Lowery here. Are you aware of this so that you might  
8       be prepared to either say something now or at least  
9       for tomorrow?

10              MR. LOWERY: I'm Jim Lowery. I'm on the  
11      subcommittee for the elevator codes.

12              And as far as the rolling compliance, no,  
13      I'm not really familiar with what you guys are  
14      expecting as a rolling compliance, and we did submit a  
15      date, and we haven't got any feedback until now on how  
16      you want to do that. So, yes, I would like to know  
17      what you're expecting for me tomorrow.

18              CHAIRPERSON KRESS: We'll talk about that  
19      later. I am just hearing about this rolling  
20      compliance myself. Not everyone, I don't think, other  
21      members here have been aware, but we'll talk as soon  
22      as we complete this meeting.

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1 Thank you.

2 MR. NOBLE: At the last meeting I did  
3 mention about the fact that we'll be coming up with  
4 some language regarding the rolling compliance.  
5 However, I will leave that. We'd like committee input  
6 in providing that, in developing their language as how  
7 they're rolling.

8 I don't have any set ideas of how it is  
9 supposed to work. The only --

10 CHAIRPERSON KRESS: I just think we should  
11 mention that because this is of concern to many, many  
12 people in the community, and that without giving a  
13 solution we should say it's under study and that there  
14 will be additional time.

15 MR. NOBLE: Yes.

16 CHAIRPERSON KRESS: Did you want to say  
17 something, Shaun?

18 MR. PARR: Thank you. Shaun Parr.

19 Well, Vince had mentioned this at the last  
20 meeting, the intent to extend the deadline for the  
21 effectiveness of the ASME 17.3 standard, and I  
22 mentioned that also at the same time that it was an

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1 issue, as Denzel was just saying, that was brought up  
2 at the hearing on the proposed adoption because the  
3 board, in fact, adopted it in January, and various  
4 parties were looking at it and were concerned about  
5 it, but it actually was brought up first at that  
6 hearing by Chairperson Ambrose because she was  
7 concerned about the impact of a "one size fits all"  
8 compliance date, and so --

9 CHAIRPERSON KRESS: And I think many of us  
10 individually had been receiving concerns from the  
11 general public on this issue.

12 MR. PARR: So my organization and our  
13 testimony that we raised the prospect of some sort of  
14 a rolling phased implementation approach, which the  
15 executive branch also spoke favorably to; Mr. Ambrose  
16 very much liked that. So I think there's a cord on  
17 developing an alternative to the single implementation  
18 date or effective date for the ASME 17.3 standard.

19 And so what has to happen is now because  
20 officially what's out there is the extended deadline  
21 of July 31, 2004. So that has got to be officially  
22 extended. The purpose of the extension would be to

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1 develop the rolling implementation approach to get it  
2 adopted, get it in place before the extended deadline  
3 expires.

4 The point ultimately is not that ASME  
5 17.3 as currently drafted would become immediately  
6 effective, but rather it would eventually become  
7 effective pursuant to a process that has yet to be --

8 CHAIRPERSON KRESS: And it might well be  
9 best in Chapter 1, administrative. The precedent  
10 here, of course, is sprinklering, when we started  
11 sprinklering our office buildings and our commercial  
12 buildings and what the DCRA and the director developed  
13 was that phased implementation, and I believe that was  
14 handled in Chapter 1, was it not?

15 Well, we can decide where it goes at a  
16 different time, but certainly it's on our expedited  
17 list and needs to be because of the July 31st  
18 deadline. We should have something, and so hopefully  
19 that would go at the same time as the other expedited  
20 issues.

21 MR. NOBLE: Again, the July 31st date  
22 becomes mute once that notice is published extending

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1 the deadline to 2005.

2 CHAIRPERSON KRESS: Oh, okay.

3 MR. PARR: And that's, I think, a good  
4 point. I mean, while the official publication still  
5 needs to occur, I mean, I think Denzel has been fairly  
6 unequivocal in various forums at this point about that  
7 intent, and my point in recapping the recent history  
8 was just to say that I think everyone is in accord.

9 I mean, his boss, the director of the  
10 department, the oversight chairman of the council --  
11 at this point no one wants to see that standard become  
12 effective on July 31, 2004.

13 CHAIRPERSON KRESS: I'm sorry. so the  
14 answer is you're going to just publish a change to the  
15 code?

16 MR. NOBLE: No, no. We'll be publishing  
17 an extension to the implementation date of that ASME  
18 standard.

19 CHAIRPERSON KRESS: Okay. Without the  
20 process.

21 MR. NOBLE: Right.

22 CHAIRPERSON KRESS: Right now we're just

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1 going to get to the extension.

2 MR. NOBLE: It's to develop the process.

3 CHAIRPERSON KRESS: And it's for one year?

4 MR. NOBLE: Well, it probably is going to  
5 be through 2005, December 31st, 2004.

6 MR. PARR: One of the things that I've  
7 been -- I mean, I think the initial task is going to  
8 be to identify as best we can the number of cabs  
9 affected. I mean DCRA knows that it licenses  
10 approximately 10,000 elevator cabs. How many of those  
11 are noncompliant.

12 And then of those that are, so you have  
13 got to identify the universe first and then develop a  
14 scheme for prioritizing. So, you know, we're going to  
15 have to identify the universe of affected elevator  
16 cabs first and then go forward with some sort of  
17 logical system for who's first and who's later on.

18 CHAIRPERSON KRESS: All right. Well,  
19 we'll take this up in more detail later.

20 Jim Lowery wanted to say something. I'm  
21 sorry.

22 MR. LOWERY: Jim Lowery, D.C. elevator

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1 codes subcommittee.

2 The letter that we recommended was that  
3 all existing elevators in the District of Columbia  
4 must comply by July 31st, 2005, not 2004, and also at  
5 that same time, we would have extensions, if need be,  
6 and that that would be not in compliance until 2007,  
7 and I wasn't sure if everybody is aware of that or  
8 not.

9 CHAIRPERSON KRESS: I am not. Do you have  
10 an extra copy of that? We will make sure we copy it  
11 and get it to everyone.

12 MR. NOBLE: What's that? I'm not sure  
13 what that is.

14 MS. STOGIS: Joan Stogis.

15 I just wanted to say it seems to me that  
16 as Jerrily mentioned, the provisions for sprinklering  
17 existing highrise buildings might be a good way of  
18 approaching it, and in that case the scoping and the  
19 requirement would be in the existing buildings  
20 section. However, it refers you to Chapter 1 for the  
21 covenant which is the legal document that puts this  
22 into effect.

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1                   And so that could be a model to start  
2                   examining the elevator issue from.

3                   MR. NOBLE: Yes, and that's what I meant  
4                   when I said that all I'm concerned now is that on  
5                   August 1st, our inspectors don't go into buildings and  
6                   start shutting them down. That's the first concern.  
7                   So extending that drop dead date of December 31st is  
8                   to avoid that.

9                   In addition to that, then this committee  
10                  can then in their existing structures committee or the  
11                  elevator committee come up with language of how we are  
12                  going to implement or develop the role in compliance,  
13                  what criteria we're going to use for the role in  
14                  compliance when a building should come into  
15                  compliance, and that's what like you said if it's  
16                  something that we want to look at what we did for  
17                  sprinkler system, maybe that's a good start and modify  
18                  that to fit the elevator.

19                  CHAIRPERSON KRESS: It certainly needs  
20                  study, and I think we send that to the various  
21                  committees.

22                  David.

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1 MR. BARDIN: Madam Chair, let's just talk  
2 about the process that we follow in the Building Code  
3 Advisory Committee. The subcommittees make  
4 recommendations to the full committee.

5 CHAIRPERSON KRESS: Absolutely.

6 MR. BARDIN: The full committee doesn't  
7 act on substantive matters without giving notice to  
8 all of the members that it will come up not today, but  
9 at some next meeting or future meeting of the full  
10 committee.

11 In this case I would think that the  
12 discussion already suggests that the full committee is  
13 going to want the input of more than one subcommittee  
14 and maybe more than two subcommittees --

15 CHAIRPERSON KRESS: Absolutely.

16 MR. BARDIN: -- so that you have a fully  
17 discussion, and that means to me that the question of  
18 the extension, which I think is already decided, if I  
19 understand it, by the department in consultation and  
20 may already have been published; I understand it will  
21 be published in one of the issues this month. Whether  
22 it's last Friday, next Friday I don't know.

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1                   Frankly, if the Director and the  
2 Administrator have decided that it's more realistic to  
3 have an extension not of one year but all the way to  
4 December 31, 2005, I don't have to remind you, Madam  
5 Chair, of the procedures that we follow in this  
6 committee and the fact that we like to be thoughtful.

7       We like to have input from many directions. If  
8 there's disagreement, we like to have it fully  
9 debated.

10                   So that I personally would welcome the  
11 extra handful of months to December 31 to work on --

12                   CHAIRPERSON KRESS: Well, first of all,  
13 that is out of our control. We're only advisory. So  
14 as much as our subcommittees advise us as a whole and  
15 we make decisions, we advise DCRA, who is the Mayor's  
16 agent, who makes the final decision of what goes  
17 ahead.

18                   So they can bypass us, and we hope they  
19 don't typically, but they could bypass us and take  
20 this action to extend this date to whatever they want  
21 to extend it to.

22                   MR. BARDIN: But, Madam Chair, what I'm

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1       trying to do is to be helpful to our new elevator  
2       subcommittee, which doesn't technically exist yet  
3       because we haven't amended our bylaws yet.

4               CHAIRPERSON KRESS: That's the next on my  
5       list, is bylaws.

6               MR. BARDIN: But obviously they want to  
7       work in the framework of the bylaws of this full  
8       committee which have been in effect for many years,  
9       and subcommittees can't bypass the full committee  
10      either. A subcommittee as a subcommittee can't give  
11      advice outside our process.

12              CHAIRPERSON KRESS: No, they cannot.

13              MR. BARDIN: So I think it has got to be  
14      very clear that what the subcommittee does is aimed  
15      toward the full committee and --

16              CHAIRPERSON KRESS: Absolutely.

17              MR. BARDIN: -- flagged to other  
18      subcommittees that might have an interest shared all  
19      around and discussed thoroughly all around.

20              CHAIRPERSON KRESS: Well, that's why as we  
21      get back on track we look for monthly reports from  
22      subcommittees so that we are aware of what they're

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1 doing, and if we need interaction with other  
2 committees, such as existing structures, that is then  
3 called to our attention, and we suggest that the  
4 committee chairs talk.

5 But quickly to move on because I have  
6 promised everyone that we will move on, we're not  
7 making a decision here today on this; we will be  
8 discussing it.

9 Thank you, again.

10 On our agenda -- go ahead.

11 MS. STOGIS: One other, and I truly am not  
12 sure if this is an urgent issue or not, I have been  
13 sort of corresponding by E-mail with a couple of  
14 people, that I am concerned, and this is especially in  
15 light of the presentation on fires, that we don't have  
16 in place right now provisions for one and two family  
17 dwellings, for alterations to existing one and two  
18 family dwellings, and --

19 CHAIRPERSON KRESS: From what I've been  
20 reading, there's some disagreement.

21 MS. STOGIS: Yeah, Amanda feels that it's  
22 covered, and so I'm not sure if it's an urgent issue.

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1       It is something --

2                   CHAIRPERSON KRESS:   I think that it's an  
3       issue.

4                   MS. STOGIS:   -- look at in the next cycle  
5       at least.

6                   CHAIRPERSON KRESS:   No, I think it's an  
7       urgent issue that needs to be resolved.  Whether it is  
8       resolved as one of our expedited issues or part of  
9       this cycle, I think depends on what your committee as  
10      a whole decides.  I think you should bring it back to  
11      us as the committee and what you think it should be.

12                   This is not a complete list.  Before I  
13      move, let me just say the list I have right now is the  
14      beginning of a list.  It can change.  I'm asking for  
15      everyone to have their subcommittee meetings and to  
16      bring forth any other expected issues that they feel  
17      needs the go-ahead of the typical cycle so that we can  
18      set up a schedule to focus on those issues, get those  
19      resolved, and then move on to the rest of our regular  
20      cycle.

21                   Also, with what we heard from Dave with  
22      ICC today, we might want to cycle some of our issues

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1 to perhaps share with them I believe he said August.  
2 so hopefully we can have a proposal and discuss next  
3 week once we decide what the important expedited  
4 amendments are, we can put together a schedule that  
5 maybe even incorporates communications with ICC.

6 Also urgent, which I have been seeing E-  
7 mails, which is really in the issues and policy  
8 subcommittee, from what I understand Marc is leading  
9 the efforts to look at the revisions to our bylaws,  
10 and I think it seems to me from what I've seen you're  
11 well on your way to some suggestions. Am I correct or  
12 not?

13 MR. FETTERMAN: Yes. Marc Fetterman.

14 And I've gotten comments from Joan and  
15 George Papadopolous, as well as David Bardin, and if  
16 anyone else has any issues that they would like to  
17 bring up with regard to the bylaws, I would love to  
18 receive it.

19 And our goal would be to then bring these  
20 suggestions back to the entire committee for  
21 discussions, but we want to be as efficient as we can  
22 about this and encourage anyone to get to me specific

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1        comments that they might have with regard to the  
2        existing bylaws.

3                    Thank you.

4                    CHAIRPERSON KRESS: Thank you.

5                    The last thing I have on my list is again  
6        to remind people of membership. Sara got a new  
7        interpretation for those of you who haven't read your  
8        E-mails, and it is that they are telling her for the  
9        people who work for the government agencies or an ANC  
10       person does not need to be reappointed; that they  
11       serve at the mayor's pleasure, and so, therefore, we  
12       don't have to go through the reappointment.

13                   David just did his, but everyone else  
14       does, and for those members, please encourage and I  
15       will be saying it tomorrow as well; for those people  
16       who would like to be a part of our process and are not  
17       a part of it and coordinate with Sara, we ask that you  
18       get your forms in and the letter from the organization  
19       that's sponsoring you.

20                   However, if you just want to serve on a  
21       committee and focus on that one facet, you don't need  
22       to be officially sworn in. It just means you can come

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1 to these meetings even. It just means you are not  
2 able to vote formally on all of the amendments and  
3 issues that come before this committee.

4 So I just want to remind you if you don't  
5 have your membership information in, our appointments  
6 expire. I say "our." I'm out of it, ha, ha. they  
7 expire April 1st, 2004, and so we would really like to  
8 have everyone sworn in before the first of 2004, and  
9 so that we can continue our process seamlessly and  
10 without question.

11 You do not have to be resident of the  
12 District of Columbia. I don't know if there's  
13 anybody, Dave, in your organization that would want to  
14 be any part of this, but certainly they could  
15 represent your organization and be a representative of  
16 you and be a help to us if you would so wish. but I  
17 just wanted to remind everybody that.

18 Before we adjourn and I need all of the  
19 chairmen to stay, the subcommittees, because we're  
20 going to quickly talk about what's going to be  
21 presented tomorrow, is there any other business before  
22 we -- yes. Joan Stogis.

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1 MS. STOGIS: Three quick items. One is do  
2 we have an up to date roster that can be circulated by  
3 E-mail? I mean there are new faces. Plus I'm bumping  
4 into finding people's E-mail addresses don't work and  
5 this sort of thing.

6 MS. BARDIN: I'm in the process of doing  
7 that.

8 MS. STOGIS: Great.

9 CHAIRPERSON KRESS: And she's coordinating  
10 with -- because we're getting new information as the  
11 forms are coming in, and so she is also coordinating  
12 with boards and commission, which is why we ask that  
13 we get a copy as well, because in the past -- and not  
14 to say anything about boards and commission, but they  
15 have misplaced a lot of information and not gotten  
16 information when it gets typed up correctly.

17 So by us also having it Sara is able to  
18 double check the information, and she has been  
19 meeting, has already met at least once, if not twice,  
20 with staff at boards and commissions to make sure  
21 where things are, and out of that we will try to  
22 create the best new list that we can because that E-

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1 mail list is incredibly important, and so --

2 MS. STOGIS: My second question is: is  
3 our Website functional? And if so, do we have  
4 procedures of how whatever it is --

5 CHAIRPERSON KRESS: I didn't bring that up  
6 because I thought that was going to take a lot of  
7 time. To my knowledge it is not functional, and I  
8 don't know where it stands. We need to double check  
9 with the gentleman who was putting it together.

10 Can you answer anything for us on that,  
11 Denzel?

12 We need to double check on that, and we do  
13 need to have procedures. I understand that was  
14 discussed last time. How as it last -- how were we  
15 going to proceed with the procedures? We're --

16 MS. BARDIN: On submitting --

17 CHAIRPERSON KRESS: On submitting  
18 information for the Website.

19 MS. BARDIN: Just that there needs to be a  
20 form, some standard form that we have for each  
21 subcommittee before they give it to their chair,  
22 before it goes to Woody.

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1 CHAIRPERSON KRESS: I would think issues  
2 and policies should be handling that. I will ask.  
3 Armando has not arrived because along with that is our  
4 typical work sheet that we put all of the amendments  
5 on. So, one, you're talking more of a routing slip of  
6 information and then, two, the information, the  
7 proposed amendments themselves.

8 And we can certainly pull up from last  
9 year that work sheet, but I think issues and policies  
10 should reevaluate it, and two, formally ask them --  
11 remind me, Sara -- to put together a transmittal  
12 sheet, if you will, that could be used.

13 MS. STOGIS: That was going to be my last  
14 question, and I ask it because really existing  
15 structures this time is in really good shape thanks to  
16 it just received a comparison --

17 CHAIRPERSON KRESS: I saw that.

18 MS. STOGIS: -- of the published  
19 international existing buildings code and RDC version  
20 so that we know what we need to do to turn it into a  
21 published volume plus local amendments. We could  
22 begin shaping that up, I think, very --

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1                   CHAIRPERSON KRESS:   Weren't you a part of  
2                   the meeting?   Was Joan here?   Were you part of the  
3                   meeting?

4                   Why don't you contact -- what was his  
5                   name?           Woody       Sampson,       and       it's       just  
6                   woody.sampson@dc.gov.       Feel free to contact him  
7                   directly especially since you were part of meeting  
8                   with him.   Sara has been in touch with him, and  
9                   basically he just sent a page with some lists on it.  
10                  We don't know how it's going to work or whatnot, but I  
11                  think feel free to follow up and say, "I'm ready and  
12                  what's the next step?"

13                  I think it helps to hear from some of the  
14                  members rather than just staff and people within  
15                  government.   I know for sure I carried a lot more  
16                  weight when I was on the private side instead of when  
17                  I was on the public side.   So feel free to contact him  
18                  directly.

19                  MS. STOGIS:   Okay.   Will do.

20                  CHAIRPERSON KRESS:   Marc?

21                  MR. FETTERMAN:   One quick thing.   Joan and  
22                  Denzel, I mentioned to each of you by E-mail that the

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1     D.C. Register that I got did not have the entire  
2     existing structure's code in it, and I was wondering,  
3     hoping mine was the only copy, but fearing it probably  
4     wasn't, and how we were addressing this issue.

5                   CHAIRPERSON KRESS: Mine as well.

6                   MR. NOBLE: The last information, they are  
7     somewhere along the line that some chapters were left  
8     out again.

9                   MR. FETTERMAN: Only four chapters.

10                  MR. NOBLE: I don't know. I don't know  
11     how that happened because we went --

12                  CHAIRPERSON KRESS: Jim, I need you back.  
13     Thank you.

14                  MR. NOBLE: We sent the entire package  
15     over.

16                  MR. FETTERMAN: Are they going to  
17     republish the whole thing?

18                  MR. NOBLE: They're going to republish the  
19     whole thing. That's what I was told.

20                  MR. FETTERMAN: When?

21                  MR. NOBLE: I'll have to check with --

22                  CHAIRPERSON KRESS: Is it all on the

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1 Website now? I mean, because this is going to come up  
2 tomorrow. Is the whole thing on the Website?

3 MR. NOBLE: On the Website you have the  
4 original document.

5 CHAIRPERSON KRESS: I can't -- go ahead  
6 and say it.

7 MS. BARDIN: Also it still says "proposed"  
8 on the Website. I had somebody ask me a question  
9 about that yesterday.

10 MR. NOBLE: Which Website you went to?

11 MS. BARDIN: Yours, the DCRA.

12 MR. NOBLE: No, no, no. If you go to the  
13 Office of Documents' Website under the Office of the  
14 Secretary, when you look on the agency, I had -- I  
15 don't bring it here. I'll have to find it -- you'll  
16 find the D.C. Register with the entire publication.

17 CHAIRPERSON KRESS: With the entire.  
18 Bring that along tomorrow because I think we're going  
19 to need to give that to people because you can't just  
20 send them to the Register because --

21 MR. NOBLE: The main, yes, and the same  
22 site that you would go for this, but you have to go

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1 through the Office of the Secretary.

2 MS. BARDIN: It's os.dc.gov.

3 MR. FETTERMAN: So, Denzel, you need to  
4 remove the building code form your Website then if  
5 there are any differences because I'm also finding it  
6 on the DCRA Website.

7 MR. NOBLE: Okay. Yeah, well, the only  
8 difference on the DCRA Website -- and we're going to  
9 pull it -- it still said "proposed" because that's  
10 been there since when it was put up there as a  
11 proposed, but that's the complete document, including  
12 the existing structure.

13 CHAIRPERSON KRESS: I don't mean to be  
14 critical, but I can tell you that Office of Zoning,  
15 when they sent theirs to Office of Documents, what got  
16 published was different in several ways than what we  
17 sent them, and so I'm just -- and until you go through  
18 page by page, line by line, I would just caution  
19 everyone keep the DCRA one and keep a proposed.

20 (Laughter.)

21 MR. NOBLE: I mean, that's what happened  
22 because we sent the entire -- of course, the 16 was

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1 dropped out. It was a computer glitch when it went  
2 over, but when we sent it over, we made sure we went  
3 over the entire document to make sure that it was  
4 complete, the existing structures was complete that  
5 went over for publication as a --

6 CHAIRPERSON KRESS: I'm talking about  
7 words changing. Ours is complete. I'm talking about  
8 sections changing and words changing.

9 MR. NOBLE: But what they were supposed to  
10 do is just take that document. If you notice, it is  
11 just our document that they took and just dropped the  
12 numbers in.

13 CHAIRPERSON KRESS: I'm going to say this  
14 to the subcommittee since this has come up, and what  
15 we've ended up doing in zoning is basically because  
16 there was so much confusion, we've now printed on our  
17 site and made word searchable the zoning document  
18 published by Office of Documents, and then we've  
19 created an errata addendum sheet. And we've gone back  
20 in and changed the things that they changed  
21 incorrectly because we had to have -- everybody was  
22 getting too confused about what was in effect and what

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1 wasn't in effect.

2           So I think that we, in warning our  
3 subcommittees that when they look at this they should  
4 be attentive because we might want to also -- you  
5 might want to also put up some kind of an errata sheet  
6 if there are problems there.

7           MR. NOBLE: Yes, yes. We did find, and I  
8 don't know if anyone noticed it, there was another  
9 mistake in the original document in addition to the  
10 existing structures that was missing in Chapter 1 from  
11 106. --

12           CHAIRPERSON KRESS: That's the kind of  
13 thing that happened to us. Paragraphs got dropped.

14           MR. NOBLE: -- from 106. -- I'll tell you  
15 in a minute.

16           CHAIRPERSON KRESS: We gave them an  
17 electronic copy.

18           MR. NOBLE: Yeah, we gave them --

19           CHAIRPERSON KRESS: Proofread, formatted.

20           MR. NOBLE: Yes. In 106.3, if you look at  
21 the original document, it went from 106.3; it went to  
22 109.2 in this document. All of these pages were left

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1 out.

2 CHAIRPERSON KRESS: Sorry. I told you.

3 MR. NOBLE: But what they've done, we've  
4 pointed out part of this to them, and they are now  
5 going to be printing, and yes, they're going to print  
6 the errata to catch up with this document, and then  
7 they're going to print a completely new document with  
8 the entire --

9 CHAIRPERSON KRESS: And that's the one  
10 that they will then sell, correct, Denzel?

11 MR. NOBLE: Yes.

12 CHAIRPERSON KRESS: So they're not selling  
13 these right now, except the few they have.

14 MR. NOBLE: Yes. We told them to hold off  
15 and let's get everything cleaned up.

16 CHAIRPERSON KRESS: But since it is in  
17 effect, we do have to remind everybody where they can  
18 find it on this Website.

19 MR. NOBLE: Yes, you can find this  
20 document.

21 MR. FETTERMAN: So we want to go to your  
22 Website.

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1 MR. NOBLE: Our Website has it, I said, as  
2 proposed. We can change that to the final, but that's  
3 not the official document.

4 MR. FETTERMAN: Because the Office of the  
5 Secretary's Website will have the pages missing.

6 CHAIRPERSON KRESS: And the paragraphs  
7 missing.

8 MR. NOBLE: We had proposed to have for  
9 tomorrow, for every member, for every attendee, to  
10 have a disk.

11 CHAIRPERSON KRESS: I heard about those  
12 disks. What's on the disk?

13 MR. NOBLE: It's the entire document.

14 CHAIRPERSON KRESS: Terrific.

15 MR. NOBLE: There's a glitch.

16 (Laughter.)

17 CHAIRPERSON KRESS: Nice thought.

18 MR. NOBLE: Well, there's a glitch.

19 CHAIRPERSON KRESS: Wait a minute. We're  
20 finished. We can end and go off the record and then  
21 you can tell us about the glitch.

22 Howard?

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1 MR. EBENSTEIN: Yeah, I had a couple of  
2 questions about the publication of the code. A couple  
3 of things.

4 I was looking on Office of the Secretary,  
5 Office of Documents, whatever site, a couple of weeks  
6 ago. I couldn't find it. I think it would be nice if  
7 perhaps the link to that site could be E-mailed out to  
8 the members. Then we'll know. We won't have to be  
9 poking around.

10 CHAIRPERSON KRESS: Sara will do that.

11 MR. EBENSTEIN: Another thing is  
12 perhaps -- well, which is the official version of the  
13 code? Is it the one on DCRA's site? Is it the one on  
14 Office of the Secretary? Office of Documents?

15 MR. NOBLE: No, no.

16 MR. EBENSTEIN: Well, perhaps, Denzel, you  
17 could put a link on the DCRA site that will just link  
18 it to Office of the Secretary's site, you know, and  
19 then you won't have to -- then you'll know whatever  
20 changes they make will be automatically --

21 CHAIRPERSON KRESS: See, at least with  
22 zoning we have a different situation where we have

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1 orders that have been passed that we can go back to  
2 when they get the information wrong. That's not the  
3 same situation with these codes. There is nothing.

4 I mean, what we did is just advisory, and  
5 so what gets published is what is the law, and so  
6 that's why it's so important that this get cleaned up  
7 and that there be an official errata sheet to clean it  
8 up.

9 MR. EBENSTEIN: The errors that were made  
10 in the hard copy, are they correct? Is the correct  
11 version on their site? In other words, those few  
12 sections that were dropped out of Article I, do they  
13 exist electronically on your Website or is it just a  
14 publication?

15 CHAIRPERSON KRESS: Whose Website? Office  
16 of Documents' Website?

17 MR. EBENSTEIN: Office of Documents'  
18 Website.

19 MR. NOBLE: No.

20 CHAIRPERSON KRESS: It's not going to  
21 exist on there.

22 MR. NOBLE: No, it's not. If you go to

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1 DCRA Website where you have the proposed, that's the  
2 document. That has everything in it. Remember we did  
3 not change anything from the proposed to the final  
4 package.

5 However, when this was sent over to the  
6 Office of Documents and they started playing with it,  
7 things happened.

8 MR. EBENSTEIN: So the Office of Documents  
9 version is the official version even though it's  
10 flawed. So --

11 MR. FETTERMAN: What's your point?

12 (Laughter.)

13 MR. EBENSTEIN: Well, where do people go?

14 MR. NOBLE: One consolation is that in the  
15 beginning of the document, it tells you exactly what's  
16 adopted. All the codes are listed there. So even  
17 though the existing code was not published, it's  
18 adopted, if you understand what I mean. The  
19 legislation final rulemaking did identify all of the  
20 codes that were adopted.

21 CHAIRPERSON KRESS: Howard, would you pass  
22 that over to David? Did you have something?

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1 MR. BARDIN: A quick piece of advice to  
2 DCRA. The next time, whether it's just a small  
3 amendment or the whole code cycle, I strongly advise  
4 publish the notice of proposed rulemaking, full text,  
5 that whole three-quarters inch, half inch, full inch  
6 so that anybody can read it whether he's Web literate  
7 or not, and when they have once set it up correctly or  
8 incorrectly at the Office of Documents, it will save  
9 us an awful lot of trouble and money in the long run.

10 CHAIRPERSON KRESS: They can still fool  
11 with it here.

12 MR. NOBLE: Let me say that it wasn't our  
13 decision not to publish the proposed rules. It was  
14 the Office of Documents, because we sent them --

15 MR. BARDIN: I know that.

16 MR. NOBLE: We sent the CD as well as the  
17 hard copy, and of course, then we put them in the  
18 various locations.

19 CHAIRPERSON KRESS: And I would say the  
20 format, because we learned this the hard way with  
21 Office of Zoning -- Sara did this for us for the  
22 building codes for this format. So we already knew.

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1 We had already fought the wars on the format, and we  
2 thought we had them all covered, but they still found  
3 things they needed to change.

4 CHAIRPERSON KRESS: Any last comments?

5 MR. PARR: Not to beat this dead horse too  
6 much further, but just to go back to what Howard was  
7 getting at, I mean, the Office of the Secretary/Office  
8 of Documents' version is the only official enforceable  
9 version that's out there. So until that's  
10 corrected -- but that's incomplete.

11 CHAIRPERSON KRESS: Yes.

12 MR. PARR: There were some sections that  
13 were dropped. Well, eventually, I mean, what we have  
14 got to do is make sure that -- and you know, errata  
15 sheets that DCRA might develop and keep on its Website  
16 are still ultimately not going to have --

17 CHAIRPERSON KRESS: Oh, absolutely.

18 MR. PARR: -- until they have been  
19 incorporated into the text. So this --

20 CHAIRPERSON KRESS: I was just explaining  
21 zoning is different from building codes. Building  
22 codes absolutely -- the errata sheet isn't worth

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1 anything until it's done by Office of Documents.

2 MR. PARR: But at least maybe there's an  
3 opportunity here for the Office of Documents to  
4 republish at some point a complete and accurate and  
5 comprehensive volume, but it's going to be incumbent  
6 on all of us to make sure that everything is in there,  
7 I mean, as it's supposed to be before they pull the  
8 final trigger, and then what they have on their  
9 Website has got to be --

10 CHAIRPERSON KRESS: Well, it would be  
11 really nice if they sent the whole thing down to proof  
12 because we know what we've sent up was correct. It's  
13 what they do with it. I mean, that's what happened  
14 with us with zoning and --

15 MR. NOBLE: The proposed package that we  
16 sent forward that's on our Website, that was complete  
17 with existing structures, the section that I told you  
18 that was missing. That's complete. If you look at  
19 our Website, you'll see the entire package.

20 When we sent it over with the final rule,  
21 yes, the existing structure which was J, the very last  
22 one somehow was dropped out. There was a computer

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1 glitch, and as soon as we found out, we spoke to them,  
2 and that's where we did an errata and sent that  
3 section over with the errata form for publication,  
4 which they were supposed to have done on the 30th of  
5 January, and this is what came out.

6 MR. PARR: And without knowing what was in  
7 those sections between 106.6 and 109, if you had an  
8 enforceability --

9 CHAIRPERSON KRESS: You've got a big  
10 enforceability issue.

11 MR. PARR: -- you have a problem. I mean,  
12 you simply wouldn't be able to make it stick because  
13 it has not been adopted as final.

14 CHAIRPERSON KRESS: That's absolutely my  
15 understanding. I think that's good, and again, we've  
16 got other things to do, but it's very important to  
17 know what the legal status of this is for us as the  
18 building code committee, for us as subcommittee chair,  
19 and for DCRA because that is something that really  
20 needs to be done quickly.

21 MR. EBENSTEIN: Jerrily, one last thing  
22 from me. It seems to be somewhat of a mystery what

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1 happened over at the Office of Documents, like we sent  
2 this thing and then somehow it got transformed. Why  
3 can't we find out what happened?

4 Who messed with the document and why? And  
5 make sure, you know, there's some line of  
6 communication between DCRA --

7 CHAIRPERSON KRESS: We really are beating  
8 this. I mean, I can give you one on one what  
9 happened. They decided to rewrite the things in the  
10 zoning regulations, and they are not allowed. When we  
11 passed something, law, and they decided to rewrite  
12 things to clarify things, to reformat things, and in  
13 doing this left some things out, they jumped ahead and  
14 included things they shouldn't have. It --

15 MR. BARDIN: Madam Chair, look. I know  
16 everybody feels frustrated or worse, but the fact is  
17 we're out of school here. We're advisors to the  
18 Director of DCRA. It's the Director who sent text to  
19 the Office of Documents.

20 CHAIRPERSON KRESS: Correct.

21 MR. BARDIN: It's the Director who has a  
22 complaint, not this committee. The Director can talk

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1 to the Mayor. The Director can talk to the Secretary  
2 of D.C. The Director can talk to the Deputy Mayor who  
3 is supposed to be supervising it, but it is, frankly,  
4 not our business.

5 So could we --

6 CHAIRPERSON KRESS: Call the meeting?

7 MR. BARDIN: -- adjourn?

8 CHAIRPERSON KRESS: Do I hear a motion to  
9 adjourn? Second? All in favor?

10 Thank you.

11 And could the subcommittee chairs stay so  
12 that we can quick talk about what's going on tomorrow?

13 (Whereupon, at 12:20 p.m., the meeting was  
14 concluded.)

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